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- Mr. B. S. MATHUR, Chatravillas, Paota, Civil Lines, Jodhpur (Rajputana).
- MESSRS. NAND KISHORE AND BROS., Publishers and Booksellers, Chowk, Benares, City.
- The MANAGER, Law Book Co., 9, Hastings Street, Calcutta.

THE PUNJAB MUNICIPAL ACT, 1911.

PUNJAB ACT III OF 1911.

[Received the assent of the Lieutenant-Governor of the Punjab on the 3rd May, 1911, and that of the Governor-General on the 7th July, 1911, and was first published in the Punjab Gazette of the 11th August, 1911.]

1	2	3	4
Year.	No.	Short title.	Whether repealed or otherwise affected by legislation.
1911	III	The Punjab Municipal Act, 1911.	Rep. in part & amended, Act 38 of 1920. Amended Punjab Act II of 1919. ² Amended Punjab Act I of 1922. ³ Amended Punjab Act II of 1923. ⁴

¹For Statement of Objects and Reasons, see *Punjab Gazette*, 1910, Part V, page 145 for Report of Select Committee, see *ibid* 1911, Part V, page 7, for proceedings in Council, see *ibid* 1910, Part V, page 158; *ibid* 1911, Part V, pages 133, 151, 191. The Act came into force on 5th August, 1911,—vide Punjab Government Notification No. 43, dated 5th August, 1911, published in *Punjab Gazette*, 1911, Part I, page 527.

²For Statement of Objects and Reasons, see *Punjab Gazette*, 1918, Part V, page 533, and for proceedings in Council, see *ibid*, 1918, Part V, pages 568—71 and 704. This Act came into force on the 24th January, 1919.

³For Statement of Objects and Reasons, see *Punjab Gazette*, 1921, Part I-A, pages 137—84 and for proceedings in Council, see *Punjab Legislative Council Debates*, Volume II, pages 531—33 and 567. It came into force on 1st August, 1921.

⁴For Statement of Objects and Reasons, see *Punjab Gazette*, 1922, Part I, pages 885-86, for report of the Select Committee. see *ibid*, 1923, Part V, pages 49—71; and for proceedings in Council, see *Punjab Legislative Council Debates*, Volume IV, pages 418—20, 809 and 1027—85. This Act came into force on the 9th May, 1923.

1	2	3	4
Year.	No.	Short title.	Whether repealed or otherwise affected by legislation.
1911— <i>concl'd.</i>	<p>Amended Punjab Act I of 1925.¹</p> <p>Affected by Punjab Act 5 of 1925.</p> <p>Amended Punjab Act XV of 1926.²</p> <p>Amended Punjab Act IV of 1929.³</p> <p>Amended Punjab Act II of 1931.⁴</p> <p>Amended Punjab Act III of 1933.⁵</p> <p>Amended Punjab Act I of 1934.⁶</p> <p>Amended Punjab Act III of 1935.⁷</p> <p>Amended, Government of India (Adaptation of Indian Laws) Order, 1937.</p>

¹For Statement of Objects and Reasons see *Punjab Gazette*, 1925, Part I, page 4 for report of the Select Committee see *ibid*, 1925, Part V, page 60, and for proceedings in Council see *Punjab Legislative Council Debates*, Volume VIII-A, pages 10-11 and 317-19. It came into force on the 15th of May, 1925.

²For Statement of Objects and Reasons see *Punjab Gazette*, 1926, Part I, page 931, and for proceedings in Council see *Punjab Legislative Council Debates*, Volume IX, page 1591. It came into force on the 4th December, 1926.

³For Statement of Objects and Reasons see *Punjab Gazette*, 1929, Part I, pages 634-35, and for proceedings in Council, see *Punjab Legislative Council Debates*, Volume XIII, pages 26-27.

⁴For Statement of Objects and Reasons, etc., see the Punjab Municipal (Executive Officer) Act, Punjab Act II of 1931, *infra*.

⁵For Statement of Objects and Reasons, see the *Punjab Gazette*, 1932, Extraordinary (dated 3rd May, 1932), page 75, and for report of the Select Committee see *ibid*, 1932, Part V, pages 77-78, and for Proceedings in Council, see the *Punjab Legislative Council Debates*, Volume XX, pages 192-194, Volume XXI, pages 15-16, 838-65, 1004-64, Volume XXII, page 631, Volume XXIII, pages 841-975. It came into force on 17th July, 1933,—*vide* Punjab Government Notification No. 3022-S., dated 15th July, 1933.

⁶For Statement of Objects and Reasons see *Punjab Gazette*, 1934, Extraordinary, page 6, and for proceedings in Council see the *Punjab Legislative Council Debates*, Volume XXIV, pages 209-212. It came into force on 4th May, 1934,—*vide* Notification No. 14090, dated 28th April, 1934.

⁷For Statement of Objects and Reasons see *Punjab Gazette*, 1935, Extraordinary, page 66 and for proceedings in Council see *Punjab Legislative Council Debates*, Volume XXVII, pages 288-290.

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PUNJAB ACT No. III OF 1911.

An Act to make better provision for the Administration of Municipalities in the Punjab.

WHEREAS it is expedient to make better provision for the administration of municipalities in the Punjab; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Punjab Municipal Act, 1911; Title, extent and commencement

(2) It extends only to the territories ²[* * * * *] administered by the ³[Government] of the Punjab; and

(3) It shall come into force on ⁴such day as the ⁵[Provincial Government] may, by notification in the Official Gazette, appoint in this behalf.

2. (1) The enactments mentioned in the Schedule are hereby repealed to the extent specified in the fourth column thereof. Repeal.

(2) But all municipalities constituted, committees established, limits defined, appointments, rules, regulations, bye-laws and orders made, notifications and notices issued, taxes, tolls, rates and fees imposed or assessed, contracts entered into, and suits instituted under the said Acts, or any enactment thereby repealed, shall, so far as may be, be deemed to have been respectively constituted, established, defined, made, issued, imposed or assessed, entered into, and instituted under this Act. Saving clause.

¹For Statement of Objects and Reasons, see *Punjab Gazette*, 1910, Part V, page 145 for Report of Select Committee, see *ibid*, 1911, Part V, page 7.

²The words "for the time being" were omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.

³Substituted for the word "Lieutenant-Governor" by Punjab Act, III of 1933, section 2.

⁴This Act came into force on 1st October, 1911, see *Punjab Gazette*, 1911, Part I, page 527.

⁵Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

*(Chapter I.—Preliminary.—Section 3).***Definitions.**

3. In this Act, unless there is something repugnant in the subject or context,—

(1) “annual value” means—

(a) in the case of land, the gross annual rent at which it may reasonably be expected to let from year to year :

Provided that, in the case of land assessed to land-revenue or of which the land-revenue has been wholly or in part released, compounded for, redeemed or assigned, the annual value, shall if the ¹[Provincial Government] so direct ; be deemed to be double the aggregate of the following amounts, namely :—

(i) the amount of the land-revenue for the time being assessed on the land, whether such assessment is leviable or not ; or when the land-revenue has been wholly or in part compounded for or redeemed, the amount which, but for such composition or redemption, would have been leviable ; and

(ii) when the improvement of the land due to canal irrigation has been excluded from account in assessing the land-revenue, the amount of owner's rate or water advantage rate, or other rate imposed in respect of such improvement :

(b) in the case of any house or building, the gross annual rent at which such house or building, together with its appurtenances and any furniture that may be let for use or enjoyment therewith, may reasonably be expected to let from year to year, subject to the following deductions :—

(i) such deduction not exceeding 20 per cent. of the gross annual rent as the committee in each particular case may consider a reasonable allowance on account of the furniture let therewith ;

¹Substituted for the words “Local Government” by the Government of India (Adaptation of Indian Laws) Order, 1937.

(ii) a deduction of 10 per cent. for the cost of repairs and for all other expenses necessary to maintain the building in a state to command such gross annual rent. The deduction under this sub-clause shall be calculated on the balance of the gross annual rent after the deduction (if any) under sub-clause (i) ;

(iii) where land is let with a building, such deduction, not exceeding 20 per cent. of the gross annual rent, as the committee in each particular case may consider reasonable on account of the actual expenditure, if any, annually incurred by the owner on the upkeep of the land in a state to command such gross annual rent :

Explanation I.—For the purposes of this clause it is immaterial whether the house or building, and the furniture and the land let for use or enjoyment therewith, are let by the same contract or by different contracts, and if by different contracts, whether such contracts are made simultaneously or at different times :

Explanation II.—The term “ gross annual rent ” shall not include any tax payable by the owner in respect of which the owner and tenant have agreed that it shall be paid by the tenant :

(c) in the case of any house or building, the gross annual rent of which cannot be determined under clause (b), 5 per cent. on the sum obtained by adding the estimated present cost of erecting the building, less such amount as the committee may deem reasonable to be deducted on account of depreciation (if any) to the estimated market value of the site and any land attached to the house or building.

Provided that—

(i) in the calculation of the annual value of any premises no account shall be taken of any machinery thereon;

(ii) when a building is occupied by the owner under such exceptional circumstances as to render a valuation at 5 per cent. on the cost of erecting the building, less depreciation, excessive, a lower percentage may be taken :

¹[(2) ' building ' means any shop, house, hut, outhouse, shed or stable, whether used for the purpose of human habitation or otherwise and whether of masonry, bricks, wood, mud, thatch, metal or any other material whatever ; and includes a wall and a well :]

²[(2a) ' building line ' means a line beyond which the outer face or any part of an external wall of a building may not project in the direction of any street, existing or proposed :]

(3) " bye-laws " and " bye-law " mean respectively the regulations made or to be made by the committee at a special meeting under the authority of this Act and any one of such regulations :

(4) " committee " means a municipal committee established by or under this Act :

³[(4a) ' Deputy Commissioner ' or ' Deputy Commissioner of the district ' includes Additional Deputy Commissioner, Joint Deputy Commissioner or any person or persons at any time appointed by the "[Provincial Government]" to perform in any district or districts the functions of a Deputy Commissioner under this Act :

Provided that no official shall be so appointed unless he has for three years exercised the powers of a magistrate of the first class.

(4b) ' Commissioner ' or ' Commissioner of the division ' includes Additional Commissioner, Joint Commissioner or any person or persons at any

¹Substituted by Punjab Act III of 1933, section 3 (i).

²Inserted by Punjab Act III of 1933, section 3 (ii).

³Clauses 4a and 4b were substituted for old clause 4a by Punjab Act III of 1933, section 3 (iii).

⁴Substituted for the words " Local Government " by the Government of India (Adaptation of Indian Laws) Order, 1937.

time appointed by the ¹[Provincial Government] to perform in any division or divisions the functions of a Commissioner under this Act :

Provided that no official shall be so appointed unless he has for five years exercised the powers of a magistrate of the first class.]

(5) "erect or re-erect any building" includes—

- (a) any material alteration or enlargement, of any building,
- (b) the conversion by structural alteration into a place for human habitation of any building not originally constructed for human habitation,
- (c) the conversion into more than one place for human habitation of a building originally constructed as one such place,
- (d) the conversion of two or more places of human habitation into a greater number of such places,
- (e) such alterations of a building as effect an alteration of its drainage or sanitary arrangements, or materially affect its security,
- (f) the addition of any rooms, buildings, out-houses or other structures to any building, and
- (g) the construction in a wall adjoining any street or land not belonging to the owner of the wall, of a door opening on to such street or land.

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(6) "explosive and petroleum" have the meanings assigned to those words in the Indian Explosives Act, 1884, and the Indian Petroleum Act, 1899, respectively :

(7) "infectious disease" means cholera, plague, small-pox ³[tuberculosis] or such other dangerous disease as the ¹[Provincial Government] may notify in this behalf :

¹Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

²Municipalities to which the Punjab Municipal (Executive Officer) Act, 1931, applies, clause (5a) has been inserted by Item No. 2, Schedule II, Punjab Act, II of 1931—

(5a) 'Executive Officer' means an Executive Officer appointed under the provisions of the Punjab Municipal (Executive Officer) Act, 1931.

³Inserted by section 3 of the Punjab Municipal (Amendment) Act, 1923 (II of 1922).

- (8) "inhabitant" includes any person ordinarily residing or carrying on business, or owning or occupying immovable property, in any municipality or in any local area which the ¹[Provincial Government] has by notification under this Act proposed to declare to be a municipality ; and in case of any dispute, means any person or persons declared by the Commissioner to be an inhabitant or inhabitants :
- (9) "municipality" means any local area declared by or under this Act to be a municipality :
- (10) "occupier" includes an owner in actual occupation of his own land or building, and also any person for the time being paying or liable to pay to the owner the rent or any portion of the rent of the land or building in respect of which the word is used : for the purposes of Chapters V ²[and IX] occupier shall include hotel keeper, lodging house keeper, and any owner whose premises are let to more than one tenant :
- (11) "owner" includes the person for the time being receiving the rent of land and buildings, or either of them, whether on his own account or as agent or trustee for any person or society or for any religious or charitable purpose, or who would so receive the same if the land or building were let to a tenant :
- (12) "rules" and "rule" mean, respectively, the rules made or to be made and notified by the ³[Provincial Government] under the authority of this Act, and any one of such rules :
- ³[(13) (a) "street" shall mean any road, footway, square, court, alley, or passage, accessible, whether permanently or temporarily to the public, and whether a thoroughfare or not : and shall include every vacant space, notwithstanding that it may be private property and partly or wholly obstructed by any gate, post, chain or

¹Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

²Inserted by section 3 of the Punjab Municipal (Amendment) Act, 1923 (II of 1923).

³Substituted by Punjab Act, III of 1933, section 2 (iv).

other barrier, if houses, shops or other buildings abut thereon, and if it is used by any persons as a means of access to or from any public place or thoroughfare, whether such persons be occupiers of such buildings or not, but shall not include any part of such space which the occupier of any such building has a right at all hours to prevent all other persons from using as aforesaid :

and shall include also the drains or gutters therein, or on either side, and the land, whether covered or not by any pavement, verandah or other erection, up to the boundary of any abutting property not accessible to the public :

(b) " public street " shall mean any street—

(i) heretofore levelled, paved, metalled, channelled, sewered or repaired out of municipal or other public funds, unless before such work was carried out there was an agreement with the proprietor that the street should not thereby become a public street, or unless such work was done without the implied or express consent of the proprietor ; or .

(ii) which, under the provisions of section 171, is declared by the Committee to be, or under any other provision of this Act becomes, a public street :]

(14) " vehicle " shall include bicycles, tricycles and automotor cars, and every wheeled conveyance which is used or capable of being used on a public street.

¹[(15) " Medical Officer of Health " means such person as the committee has appointed Medical Officer of Health, or such person as the ²[Provincial Government] may by notification appoint Medical Officer of Health, or failing such appointment, the District Medical Officer of Health.]

¹Substituted by Punjab Act, III of 1933, section 3 (v).

²Substituted for the words " Local Government " by the Government of India (Adaptation of Indian Laws) Order, 1937.

XII of 1911.

(16) "factory" shall have the meaning assigned to it in the Indian Factories Act, 1911.

1[(17) "public place" means a space which is open to the use or enjoyment of the public, whether or not private property and whether or not vested in the committee.

(18) (a) "built area" is that portion of a municipality of which the greater part has been developed as a business or residential area.

(b) "unbuilt area" is an area within the municipal limits which is declared to be such at a special meeting of the committee by a resolution confirmed by the ²[Provincial Government], or which is notified as such by the ²[Provincial Government.]

CHAPTER II.

CONSTITUTION OF MUNICIPALITIES.

Procedure for
constituting
municipality.

1. ³[(1) The ²[Provincial Government] may by notification propose any local area to be a municipality under this Act :

Provided that no military cantonment or part of a military cantonment shall ⁴[* * *] be included in any such area.]

(2) Every such notification shall define the limits of the local area to which it relates.

(3) A copy of every notification under this section, with a translation in such vernacular language as the ²[Provincial Government] may direct, shall be affixed in some conspicuous place in the court-house of the Deputy Commissioner within whose jurisdiction the local area to which the notification relates lies, and in one or more conspicuous places in that local area.

(4) The Deputy Commissioner shall certify to the ²[Provincial Government] the date on which the copy and translation were so affixed and the date so certified shall be deemed to be the date of publication of the notification.

¹Clauses 17 and 18 were inserted by Punjab Act, III of 1933, section 3 (vi).

²Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

³Substituted by Punjab Act, I of 1925, section 2.

⁴The words "without the consent of the Governor-General in Council" were omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.

(5) Should any inhabitant desire to object to a notification issued under sub-section (1), he may, within six weeks from the date of its publication, submit his objection in writing through the Deputy Commissioner to the ¹[Provincial Government] and the ¹[Provincial Government] shall take his objection into consideration.

(6) When six weeks from the date of the publication have expired, and the ¹[Provincial Government] has considered and passed orders on such objections as may have been submitted to it, the ¹[Provincial Government], may, by notification, declare the local area to be, for the purposes of this Act, a municipality of the first or second class.

(7) The ¹[Provincial Government] may by notification direct that all or any of the rules made under this Act which are in force in any municipality in the Punjab shall, with such exceptions and adaptations as may be considered necessary, apply to the local area constituted a municipality under this section, and such rules shall forthwith apply to such municipality without further publication.

²[(7a) When a local area, the whole or part of which was a notified area under this Act, is declared to be a municipality under this section, the municipal committee shall be deemed to be the perpetual successor of such notified area committee in respect of all its rules, bye-laws, taxes and all other matters whatsoever], ³[and the notified area committee shall continue in office, and shall, notwithstanding anything contained in this Act, be deemed to be the municipal committee, until the appointment and election of members is notified by the ¹[Provincial Government] under section 12.]

²[(7b) When a local area, the whole or part of which was a small town under the Punjab Small Towns Act, 1921, is declared to be a municipality under this section, the municipal committee shall be deemed to be the perpetual successor of such small town committee in respect of all its rules, bye-laws, taxes and all other matters whatsoever] ³[and the small town committee shall continue in office, and shall, notwithstanding anything contained in this Act, be deemed to be the municipal committee, until the appointment and election of members is notified by the ¹[Provincial Government] under section 12.]

¹Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

²Inserted by Punjab Act I of 1925, section 2(ii).

³Added by Punjab Act, IV of 1920, section 2.

(8) The ¹[Provincial Government] may, after consulting the committee, direct, by notification that any municipality be transferred from one class to another.

(9) A committee shall come into existence at such time as the ¹[Provincial Government] may, by notification, appoint in this behalf.

Notification
of intention
to alter
limits of
municipality.

5. (1) The ¹[Provincial Government] may, by notification published in the Official Gazette and in such other manner as it may determine, declare its intention to include within a municipality any local area in the vicinity of the same and defined in the notification :

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(2) Any inhabitant of a municipality or local area in respect of which a notification has been published under sub-section (1) may, should he object to the alteration proposed, submit his objection in writing through the Deputy Commissioner to the ¹[Provincial Government] within six weeks from the publication of the notification in the ³Official Gazette ; and the ¹[Provincial Government] shall take such objection into consideration.

(3) When six weeks from the publication of the notification have expired, and the ¹[Provincial Government] has considered the objections (if any) which have been submitted under sub-section (2), the ¹[Provincial Government] may, by notification, include the local area in the municipality.

(4) When any local area has been included in a municipality under sub-section (3) of this section, this Act, and, except as the ¹[Provincial Government] may otherwise by notification direct, all rules, bye-laws, orders, directions and powers made, issued, or conferred under this Act and in force throughout the whole municipality at the time, shall apply to such area.

¹Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

²The following proviso was omitted by the Government of India (Adaptation of Indian Laws) Order, 1937 :—

"Provided that, where the local area is a military cantonment or part of a military cantonment, no notification affecting it shall be published under this section without the previous consent of the Governor-General in Council."

³The words "Official Gazette" were substituted for the word "Gazette" by the Government of India (Adaptation of Indian Laws) Order, 1937.

6. The ¹[Provincial Government] may, by notification and in such other manner as it may deem fit, declare its intentions to exclude from a municipality any local area comprised therein and defined in the notification :

²* * * *

7. (1) Any inhabitant of a municipality or local area in respect of which a notification has been published under section 6 may, if he objects to the exclusion proposed, submit his objection in writing to the ¹[Provincial Government] within six weeks from the publication of the notification, and the ¹[Provincial Government] shall take his objection into consideration.

(2) When six weeks from the publication of the notification have expired and the ¹[Provincial Government] has considered the objections (if any) which have been submitted under sub-section (1), the ¹[Provincial Government] may, by notification, exclude the local area from the municipality.

8. (1) When a local area is excluded from municipality under section 7—

(a) this Act, and all notifications, rules, bye-laws, orders, directions and powers issued, made or considered under this Act, shall cease to apply thereto; and

(b) the ¹[Provincial Government] shall, after consulting the committee, frame a scheme determining what portion of the balance of the municipal fund and other property vested in the municipal committee shall vest in His Majesty ³[for the purposes of the Province], and in what manner the liabilities of the committee shall be apportioned between the committee and the ⁴[Provincial Government], and on the scheme being notified the property and liabilities shall vest and be apportioned accordingly.

⁵(2) * * * *

¹Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

²The following proviso was omitted by the Government of India (Adaptation of Indian Laws) Order, 1937 :—

"Provided that where the local area is a military cantonment or part of a military cantonment no notification shall be published under this section in respect of it without the previous consent of the Governor-General in Council."

³Substituted for the words "for the benefit of the local area" by the Government of India (Adaptation of Indian Laws) Order, 1937.

⁴Substituted for the words "the Secretary of State for India in Council" by the Government of India (Adaptation of Indian Laws) Order, 1937.

⁵Sub-section (2) was omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.

Power to
except muni-
cipality from
provisions of
Act unsuited
thereto.

9. (1) Should the circumstances of any municipality be such that, in the opinion of the ¹[Provincial Government]; any of the provisions of this Act are unsuited thereto the ¹[Provincial Government] may, by notification, except the municipality or any part of it, from the operation of those provisions; and thereupon the said provisions shall not apply to the municipality until applied thereto by notification.

(2) While such exception as aforesaid remains in force, the ¹[Provincial Government] may make rules for the guidance of the committee and public officers in respect of the matters excepted from the operation of the said provisions.

Power to
withdraw
municipal
area alto-
gether from
operation
of this Act.

10. (1) The ¹[Provincial Government] may, by notification withdraw from the operation of this Act the area of any municipality constituted thereunder.

(2) When a notification is issued under this section in respect of any municipality, this Act and all notifications, rules, bye-laws, orders, directions and powers issued, made or conferred under this Act, shall cease to apply to the said area; the balance of the municipal fund and all other property at the time of the issue of the notification vested in the committee shall vest in His Majesty ²[for the purposes of the Province], and the liabilities of the committee shall be transferred to the ³[Provincial Government].

⁴(3)

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CHAPTER III.

COMMITTEES.

Constitution of committees.

11. There shall be established for each municipality a committee having authority over the municipality and consisting of such number of members not less than ⁵[five] as the ¹[Provincial Government] may fix in this behalf.

¹Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

²The words "for the purposes of the Province" were inserted by the Government of India (Adaptation of Indian Laws) Order, 1937.

³Substituted for the words "Secretary of State for India in Council" by the Government of India (Adaptation of Indian Laws) Order, 1937.

⁴Sub-section (3) was omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.

⁵Substituted for the word "three" by section 4 of the Punjab Municipal (Amendment) Act, 1923 (II of 1923).

Constitution
of committee.

12. Every such committee shall consist of members appointed by the ¹[Provincial Government] either by name or by office, or of members elected from among the inhabitants in accordance with rules made under this Act, or partly of the one and partly of the other as the ¹[Provincial Government] may, by notification, direct :

Provided that, unless the ¹[Provincial Government] shall otherwise direct, the appointed members shall not exceed ²[one-fourth] of the whole committee.

³12-A. * * * * *

13. ⁴(1) If a member of committee is appointed by office, the person for the time being holding the office ⁵[shall, unless the ¹[Provincial Government] otherwise directs, be a member of the committee until the date fixed for the meeting at which his successor is required to take the oath of allegiance.].

(2) The term of office for which all other members of committee shall be appointed and elected, respectively, shall be fixed by the ¹[Provincial Government] by rules made under this Act, and may be so fixed as to provide for the retirement of members by rotation, but shall not exceed three years.

⁶(3) Notwithstanding anything contained in sub-section (2) or in any rules made by the ¹[Provincial Government] thereunder, an outgoing member shall, unless the ¹[Provincial Government] otherwise directs, continue in office until the date fixed for the meeting at which his successor is required to take the oath of allegiance.

(4) An outgoing member may, if otherwise qualified, be re-elected or re-appointed.

⁷[(5) When as the result of an enquiry held under Chapter XIV an order declaring the election of any member

¹Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

²The words "who are salaried Officers of Government" have been omitted and the words "one-fourth" substituted for the words "one-third" by section 5 of Punjab Act, II of 1923.

³Section 12-A was omitted by Punjab Act, III of 1933, section 4.

⁴Sub-section (1) was substituted by Punjab Act, III of 1933, section 5 (i).

⁵Substituted for the words "shall be a member of the committee until the Local Government shall otherwise direct, or until there has been issued a notification of elections after a general election" by Punjab Act, I of 1934, section 2 (i).

⁶Substituted by Punjab Act, I of 1934, section 2 (ii).

⁷Inserted by Punjab Act, III of 1933, section 5 (ii).

void has been notified, such member shall forthwith cease to be a member of the committee.)

Powers of the
Provincial
Government
over the con-
stitution of
committees.

14. Notwithstanding anything in the foregoing sections of this chapter, the {Provincial Government} may, at any time, for any reason which it may deem to affect the public interests, or at the request of a majority of the electors, by notification, direct—

- (a) that the number of seats on any committee shall be increased or reduced ;
- (b) that any places on a committee which are required to be filled by election shall be filled by appointment, if a sufficient number of members has not been elected ;
- (c) that a seat on any committee, which is then filled by election shall thenceforth, when vacant, be filled by appointment ;
- (d) that a seat on any committee then filled by appointment shall thenceforth, when vacant, be filled by election ;
- (e) that the seat, of any specified member, whether elected or appointed, shall be vacated on a given date, and in such case, such seat shall be vacated accordingly, notwithstanding anything in this Act or in the rules made thereunder.

Resignation
of member of
committee.

15. If a member of a committee wishes to resign his office he shall submit an application in writing through the Deputy Commissioner to the {Provincial Government}. If such resignation is accepted, it shall be notified in the gazette on a date not less than 15 days and not more than 60 days after the receipt of the said member's application by the Deputy Commissioner whereupon the member shall be deemed to have vacated his seat :

Provided that if a member who has submitted an application to resign wishes to withdraw his resignation he may apply to the Deputy Commissioner within 15 days of the receipt by the Deputy Commissioner of his application to resign, and the application to resign shall then be deemed to have been withdrawn.]

Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1935.

(Substituted by Punjab Act, III of 1932, section 6.)

16. (I) The ¹[Provincial Government] may, by notification, remove any member of committee—

(a) if he refuses to act, or becomes, in the opinion of the ¹[Provincial Government], incapable of acting, or has been declared a bankrupt or an insolvent or has been convicted of any such offence or subjected by a criminal court to any such order as implies, in the opinion of the ¹[Provincial Government], a defect of character which unfits him to be a member ;

(b) if he has been declared by notification to be disqualified for employment in, or has been dismissed from, the public service and the reason for the disqualification or dismissal is such as implies in the opinion of the ¹[Provincial Government] a defect of character which unfits him to be a member ;

(c) if he has ²[without reasonable cause in the opinion of the ¹(Provincial Government)] absented himself for more than three consecutive months from the meetings of the committee ;

(d) if his continuance in office is, in the opinion of the ¹[Provincial Government], dangerous to the public peace or order ;

³[(e) if, in the opinion of the ¹[Provincial Government] he has flagrantly abused his position as a member of the committee or has through negligence or misconduct been responsible for the loss, or misapplication of any money or property of the committee.]

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⁵(f) in the case of an elected member, if he has, since his election, become subject to any disqualification which, if it had existed at the time of his election, would have rendered him ineligible under any rule for the time being in force regulating the qualifications of candidates for

¹Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

²Inserted by section 7 of Punjab Act, II of 1923.

³Substituted by Punjab Act, III of 1933, section 7 (i).

⁴Clause (f) was omitted and the subsequent clause (g) relettered (f) by Punjab Act, III of 1933, section 7 (ii).

election, or if it appears that he was at the time of his election subject to any such disqualifications.

¹[(g) if, being a legal practitioner, he acts or appears in any legal proceeding on behalf of any person against the committee, or on behalf of or against the Crown ²[* * * * *] where in the opinion of the ³(Provincial Government) such action or appearance is contrary to the interests of the committee.]

⁴[Provided that before the ³(Provincial Government) notifies the removal of a member under this section, the reasons for his proposed removal shall be communicated to the member concerned, and he shall be given an opportunity of tendering an explanation in writing.]

⁵[(2) A person removed under this section ⁶[* * * * *] or whose election or appointment has been deemed to be invalid under the provisions of sub-section (2) of section 24, or whose election has been declared void for corrupt practices or intimidation under the provisions of section 255, or whose election the ³(Provincial Government) has under section 24 refused to notify, shall be disqualified for election for a period not exceeding five years :

Provided that a person whose election or appointment has been deemed to be invalid under the provisions of sub-section (2) of section 24, shall not be disqualified for election or appointment for a period not exceeding two years from the date of disqualification.]

⁷[(3) A person whose seat has been vacated under the provisions of section 14 (c) may be disqualified for election for a period not exceeding five years.]

¹Inserted by Punjab Act, III of 1933, section 7 (iii).

²The words "or the Secretary of State for India in Council" were omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.

³Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

⁴Substituted by Punjab Act, III of 1933, section 7 (iv).

⁵Substituted by Punjab Act, III of 1933, section 7 (2).

⁶The words "or whose seat has been vacated under the provisions of section 14 (c)" have been omitted by Punjab Act, III of 1935.

⁷Inserted by Punjab Act, III of 1935.

17. (1) Whenever a vacancy occurs by the death, resignation or removal otherwise than under the provisions of section 14 (e) of any elected member, ^{Casual vacancies committee} [or by the vacation of his seat under the provisions of sub-section (5) of section 13] a new member shall be elected in accordance with the rules made under this Act to fill the place :

Provided that the ²[Provincial Government] may direct in any such case that the vacancy shall be left unfilled :

Provided further that if no qualified candidate appears for election, the ²[Provincial Government] may appoint a member to fill the vacancy.

(2) Upon the death, resignation or removal of any appointed member, or when a member's seat has been vacated under the provisions of section 14 (e), the ²[Provincial Government] may, if it shall think fit, fill his place, either by appointment or by election.

(3) Every person elected or appointed to fill a casual vacancy shall hold his seat for the time for and subject to the conditions upon which it was tenable by the person in whose place he has been so elected or appointed, and no longer : but he may, if otherwise qualified, be re-elected or re-appointed.

18. Every committee shall be a body corporate by the name of the municipal committee of its municipality ; and shall have perpetual succession and a common seal, with power to acquire and hold property, both movable and immovable, and subject to the provisions of this Act, or of any rules made thereunder to transfer any property held by, to contract and to do all other things necessary for the purposes of its constitution ; and may sue and be sued in its corporate name. ^{Incorporation of committee}

³[19. Every officer or servant employed by the committee whether for the whole or part of his time, and every member of the committee shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.] ^{Officers, servants and members to be public servants. XLV of 19}

President and Vice-President.

20. (1) Every committee shall from time to time elect one of its members to be president, and the member ^{Election of president and vice-president.}

¹Inserted by Punjab Act, III of 1933, section 8.

²Substituted for the words " Local Government " by the Government of India (Adaptation of Indian Laws) Order, 1937.

³Substituted by section 8 of Punjab Act, II of 1923.

so elected shall, if approved by the ¹[Provincial Government] in the case of a first class committee, or by the Commissioner in the case of a second class committee, become president of the committee :

Provided that the committee, instead of electing a president and submitting his name for approval to the ¹[Provincial Government], or the Commissioner, may apply to the ¹[Provincial Government] or the Commissioner, as the case may be, to appoint a president from among its members, and that the ¹[Provincial Government] may, by notification, exclude any committee from the operation of this subsection, and that in either of these cases, or if no election has been made within one month from the occurrence of a vacancy in the office of president, or if the person elected be not approved, the ¹[Provincial Government] or the Commissioner, as the case may be, may, if it or he shall think fit, appoint one of the members of the committee to be president.

(2) Every committee may also, from time to time, elect one or two of its members to be vice-president or vice-presidents, and when two vice-presidents are elected on the same date, shall declare which of them shall be deemed to be the senior.

(3) Every member elected or appointed under this section to be president or vice-president may be elected or appointed by office if he was appointed a member of the committee in the same way.

21. (1) If a president is appointed by the ¹[Provincial Government] by virtue of his office, the person for the time being holding the office shall be president until the ¹[Provincial Government] shall otherwise direct.

(2) The term of office of a president elected or appointed by name or elected by virtue of his office shall be three years or the residue of his term of office as member, whichever is less.

(3) The term of office of a vice-president shall be such term as the committee may by bye-law fix.

(4) An outgoing president or vice-president shall, if otherwise qualified, be again eligible for election or appointment.

[22. Whenever a president or vice-president vacates his seat or tenders in writing to the committee his resignation of his office, he shall vacate his office ; and any president or vice-president may be removed from office by the ¹(Provincial Government) on the ground of abuse of his powers or of habitual failure to perform his duties or in pursuance of a resolution requesting his removal passed by two-thirds of the members of the committee :

Provided that before the ²(Provincial Government) notifies his removal, the reason for his proposed removal shall be communicated to him by means of a registered letter in which he shall be invited to tender within twenty-one days an explanation in writing and, if no such explanation is received in the office of the Secretary, Transferred Departments, within twenty-one days of the despatch of the said registered letter, the ²(Provincial Government) may proceed to notify his removal.]

23. Upon the occurrence of any vacancy in the office of president or vice-president a new president or vice-president shall be elected or appointed in manner provided by section 20.

³[24. Every election and appointment of a member or president of a committee shall be notified, in the case of a municipality of the first class, by the ²(Provincial Government), and in the case of a municipality of the second class, by the Commissioner of the division, and no member shall enter upon his duties until his election or appointment has been so notified and until, notwithstanding anything contained in the Indian Oaths Act, 1873, he has taken or made, at a meeting of the committee, an oath or affirmation of his allegiance to the Crown, in the following form, namely :—

“ I, A. B., having been elected (or appointed) a member of the municipal committee of _____ do solemnly swear (or affirm) that I will be faithful and bear true allegiance to His Majesty the King Emperor of India, his heirs and successors, and that I will faithfully discharge the duty upon which I am about to enter.”

¹Substituted by Punjab Act, III of 1933, section 9.

²Substituted for the words “ Local Government ” by the Government of India (Adaptation of Indian Laws) Order, 1937.

³Substituted by Punjab Act, III of 1933, section 10.

- (2) If any such person omits or refuses to take or make the oath or affirmation as required by sub-section (1) within three months of the date of the notification of his election or appointment, his election or appointment as the case may be, shall be deemed to be invalid unless the ¹[Provincial Government] for any reason which it may consider sufficient extends the period within which such oath or affirmation may be taken or made.
- (3) If an election is deemed to be invalid under the provisions of sub-section (2) a fresh election shall be held ; and if an appointment is deemed to be invalid under the provisions of sub-section (2) the ¹[Provincial Government] shall appoint another person :

Provided that the ¹[Provincial Government] or, in the case of any municipality of the second class the Commissioner with the previous sanction of the ¹[Provincial Government], may refuse to notify the election as member of any person who could be removed from office by the ¹[Provincial Government] under any of the provisions of section 16 or of any person whom the ¹[Provincial Government] for any reason which it may deem to affect the public interests may consider to be unfitted to be a member of the committee, and, upon such refusal the election of such person shall be void.]

Conduct of business.

25. (1) Every committee shall meet for the transaction of business at least once in every month at such time as may, from time to time, be fixed by the bye-laws.

(2) The president or, in his absence ²[or during the vacancy of his office] a vice-president may, whenever he thinks fit, and shall, on a requisition made in writing by not less than one-fifth of the members of the committee, convene either an ordinary or a special meeting at any other time.

26. (1) Every meeting of a committee shall be either ordinary or special.

¹Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

²Inserted by Punjab Act, III of 1933, section 11.

(2) Any business may be transacted at an ordinary meeting unless required by this Act or the rules to be transacted at a special meeting.

¹[(3) When a special and an ordinary meeting are called for the same day, the special meeting shall be held as soon as the necessary quorum is present.]

27. (1) The quorum necessary for the transaction of business at a special meeting of a committee shall be one-half of the number of the committee actually serving at the time, but shall not be less than three. Quorum

(2) The quorum necessary for the transaction of business at an ordinary meeting of a committee shall be such number or proportion of the members of the committee as may, from time to time be fixed by the bye-laws, but shall not be less than three :

Provided that, if at any ordinary or special meeting of a committee a quorum is not present, the chairman shall adjourn the meeting to such other day as he may think fit, and the business which would have been brought before the original meeting if there had been a quorum present shall be brought before, and transacted at, the adjourned meeting, whether there be a quorum present thereat or not.

28. At every meeting of a committee the president, if present, or, in his absence or during the vacancy of his office, the senior vice-president present, and if there be no president or vice-president present, then such one of their number as the members present may elect, shall preside as chairman. Chairman
meeting.

29. Except as otherwise provided by this Act or the rules, all questions which come before any meeting of a committee shall be decided by a majority of the votes of the members present, the chairman of the meeting, in case of an equality of votes, having a second or casting vote. Vote of
majority
decisive.

30. (1) Minutes of the proceedings at each meeting of a committee shall be drawn up and recorded in a book to be kept for the purpose, shall be signed by the chairman of the meeting or of the next ensuing meeting, shall be published in such manner as the ²[Provincial Government] may direct, and shall, at all reasonable times and without charge, be open to inspection by any inhabitant. Record at
publicatic
of proceed
ings.

¹Inserted by Punjab Act, III of 1933, section 12.

²Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

(2) A copy of every resolution passed at any meeting of a committee shall, within three days from the date of the meeting, be forwarded to the Deputy Commissioner.

31. (1) ¹[Every committee may, from time to time, and shall, if so required by the ²[(Provincial Government) provide by bye-laws consistent with this Act and with the rules for]—

- (a) the time and place of its meetings ;
- (b) the manner in which notice of ordinary and special meetings and adjourned meetings shall be given ;
- (c) the quorum necessary for the transaction of business at ordinary meetings ;
- (d) the conduct of proceedings at meetings and the adjournment of meetings ;
- (e) the custody of the common seal and the purposes for which it shall be used ;
- (f) the appointment of sub-committees and their duties, the division of duties among the members of the committee and the powers to be exercised by such members as are primarily responsible for the current executive administration, whether presidents, vice-presidents, members of sub-committees or individual members ;
- (g) the persons by whom receipts shall be granted on behalf of the committee for money received under this Act ;
- ³[(gg) the conditions on which registers, documents, maps and plans of the committee may be inspected by the public and copies of them supplied, and the fees payable for such inspection or for the supply of such copies ;]
- (h) the appointment, duties, executive powers, leave, suspension and removal of its officers and servants ;
- (i) the term for which a vice-president shall hold office ;

¹Substituted by Punjab Act, III of 1933, section 13 (a) (i).

²Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

³Inserted by Punjab Act, III of 1933, section 13 (a) (ii).

(j) appeal from executive orders of sub-committees, the president, vice-president, members, officers and servants of the committee ; and

(k) all other similar matters.

¹[(2) No bye-law made under clause (c) or clause (d) or clause (f) of sub-section (1) shall take effect until it has been approved by the ²(Provincial Government)].

(3) Every bye-law made under this section shall be published in such manner as the ²[Provincial Government] may direct.

Delegation of powers.

32. ³[(1) In the case of municipalities of the second class, the powers and functions of the ²(Provincial Government) under section 12 in regard to the appointment of members of committees, ⁴(under sub-section (1) of section 13) under clause (b) of section 14 under sections 15 and 17 and under sub-section (2) of section 31 ⁵(and under section 41) and in the case of notified areas, the powers and functions of the ²(Provincial Government) under section 242 in regard to the appointment of members of committees may be delegated by the ²(Provincial Government) to ⁶(any person).]

Delegation of certain powers and functions Provincial Government

(2) In regard to powers or functions delegated to him under this section, every Commissioner shall have the same authority as is given by this Act to the ²[Provincial Government] and the delegation shall continue until revoked by the ²[Provincial Government].

(3) A delegation under this section may be of all or any powers and functions aforesaid, and may be made generally in regard to either all the municipalities, or all the municipalities of a particular class, within the division of the Commissioner, or it may be made particularly in regard to certain municipalities only.

(4) The delegation may be by name or by office.

¹Substituted by Punjab Act, III of 1933, section 13 (b).

²Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

³Substituted by Punjab Act, II of 1923, section 9.

⁴Inserted by Punjab Act III of 1933, section 14 (1).

⁵Inserted by Punjab Act III of 1933, section 14 (2).

⁶Substituted for the words "The Commissioner of the Division" by Punjab Act, III of 1933, section 14 (3).

¹[33. (I) Notwithstanding anything in this Act, every committee may, subject to the provisions of section 46, with the previous sanction of the ²(Provincial Government) in the case of committees of the first class, and of the Commissioner in the case of those of the second class, by resolution, delegate :—

- (a) to the president, a vice-president, the Secretary or a sub-committee all or any of the powers conferred upon the committee by sections 39, 72, 75, 77, 97, 98, 101, 105, 109 (1), 110, 113, 114, 115, 115-A, 117, 118, 119, 122, 124, 126, 127, 128, 129, 130, 131, 140, 142, 143, 145 (b) and (c), 166, 169 (c), 170, 170-A (1) and (2), 172 (2), 173, 176, 191, 195-A, 203 to 208 (both inclusive), 210, 211, 212 and 220 ;
- (b) to the Medical Officer of Health all or any of the powers conferred upon the committee under sections 39, 105, 109, 113, 114, 115, 115-A, 116, 117, 118, 119, 125, 126, 128, 131, 142, 143, 144, 145 [clauses (b) and (c)], 146, 149, 155, 156, 157, 166, 182, 203, 204, 205 [clause (b)], 206, 208, 211 and 212 ;
- (c) and to the Inspector-General of Civil Hospitals, Civil Surgeon of the district or any officer of the Department of Public Instruction or Public Health all or any of the powers conferred upon the committee under section 39 ;
- (d) and to the Municipal Engineer the powers conferred upon the committee under section 195-A and under section 195, except to the extent that composition under that section shall require the sanction of the committee;

in respect of all or particular classes of cases arising under these sections, and for the whole or any part of the municipality, and may, by resolution, withdraw the powers so delegated.

¹Substituted by Punjab Act, III of 1933, section 15. Sections 33, 46 and 47 shall be deemed to be omitted in the case of Municipalities to which the Municipal (Executive Officer) Act, 1931, applies,—*vide* Item No. 2, Schedule II, Act III of 1931, *ibid*.

²Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

(2) the delegation by the committee of any power under sub-section (1) may be made subject to the condition that all or any orders made in pursuance of such delegation shall be subject to the right of appeal to, or revision by, the committee within such period as may by bye-law be prescribed.]

34. (1) With the previous sanction of the ¹[Provincial Government], and subject to such conditions as the ¹[Provincial Government] may prescribe, a committee may appoint the elected members for any one or more wards, along with such appointed members as the Government may approve, to be a sub-committee for the management of the ward or wards, any may delegate to the sub-committee all or any of the powers of the committee to be exercised within the ward or wards.

Appointment
of wards su-
committee

(2) The sub-committee shall, if necessary, from time to time appoint one of its members to be chairman of the sub-committee.

²[35. (1) On the occurrence or threatened occurrence of any event involving or likely to involve extensive damage to property or danger to human life or grave inconvenience to the public, the president or, in the absence of the president or during the vacancy of his office, a vice-president may, if in his opinion there is an emergency necessitating action before the matter can be considered by the committee, direct the execution of any such work or the doing of any such act which the committee is empowered to execute or do, as the emergency shall in his opinion justify or require, and may direct that the expense of executing such work or doing such act be paid from the municipal fund :

Extraordi-
nary power
of president
or vice-pres-
ident in case
of emergency

Provided that every such action taken under this section shall be reported to the committee at its next meeting.

(2) The president or vice-president shall not act under this section in contravention of any order of the committee.

(3) The president or in his absence or during the vacancy of his office a vice-president may prohibit, until the matter has been considered by the committee, the doing of any

¹Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

²Substituted by Punjab Act, III of 1933, section 16. In the case of Municipalities to which the Municipal (Executive Officers) Act, 1931 applies, Section 35 has been amended,—vide Item No. 3, Schedule II, Punjab Act II of 1931, as amended by Punjab Act, II of 1934, *infra*.

act which is in his opinion undesirable in the public interest : provided that the act is one which the committee has power to prohibit.

(4) No direction given in this section shall be questioned in any court on the ground that the case was not one of emergency.]

Joint Committees.

36. A committee may concur with any other committee, or with any district board, or with any cantonment authority, or with more than one such committee, board or authority in appointing out of their respective bodies a joint committee for any purpose in which they are jointly interested, and in delegating to any such joint committee any power which might be exercised by either or any of the committees, boards or authorities concerned, and in framing or modifying regulations as to the proceedings of any such joint committee, and as to the conduct of correspondence relating thereto.

Defects in constitution and irregularities.

37. No act done or proceeding taken under this Act shall be questioned on the ground merely of the existence of any vacancy in any committee or joint committee, or on account of any defect or irregularity not affecting the merits of the case.

Officers and servants.

nt 38. ¹[(1) Every committee shall, from time to time, at a special meeting, appoint, subject to the approval of the ²(Provincial Government) in the case of a municipality of the first class and of the Commissioner in the case of a municipality of the second class, one of its members, or any other person, to be its Secretary, and may, at a like meeting, suspend, remove, dismiss or otherwise punish any person so appointed ;

(2) The committee may, and shall when so required by the ²(Provincial Government), appoint at a special meeting, a person or persons approved by the ²(Provincial Government) to be its Medical Officer of Health or Engineer, and may assign to him or them such remuneration as it may think

¹Sub-section (2) was re-numbered as sub-section (3) and for sub-section (1), sub-sections (1) and (2) were substituted by Punjab Act, III of 1933, section 17.

²Substituted for the words "Local Government" by the Government of India. (Adaptation of Indian Laws) Order. 1937.

fit, and may, at a special meeting, remove or dismiss any person so appointed :

Provided that a Medical Officer of Health towards whose emoluments a contribution is made by the ¹(Provincial Government) shall not be appointed or dismissed without the previous sanction of the ¹(Provincial Government).]

(3) When a member of the committee is appointed secretary, he shall receive no remuneration in respect of his services. When any other person is appointed secretary, the committee may, with the previous sanction of the Commissioner, assign to him such ²[remuneration] as it may think fit.

³[39. Subject to the provisions of this Act and the rules and bye-laws made thereunder, a committee may, and if so required by the ¹(Provincial Government) shall, employ other officers and servants, and may assign to such officers and servants such remuneration as it may think fit, and may suspend, remove, dismiss, or otherwise punish any officer or servants so appointed.] Employment of other officers and servants

40. A ⁴[person in the service of the Crown] who has been continuously employed by a committee from the commencement of the Punjab Municipal Act, 1884, and who is in the employment of the committee at the commencement of this Act shall not be dismissed from that employment without the sanction of the ²[Provincial Government.] Dismissal of servants the Crown XIII of I

⁵[41. If in the opinion of the ¹(Provincial Government) any officer or servant of the committee is negligent in the discharge of his duties, the committee shall, on the requirement of the ¹(Provincial Government), suspend, fine, or otherwise punish him ; and if in the opinion of the ¹(Provincial Government) he is unfit for his employment, the committee shall dismiss him.] Power to demand punishment or dismissal

42. If, in the opinion of the Commissioner, the number of persons employed by a committee as officers or servants, or whom the committee may propose to employ as such, or the remuneration assigned by the committee to those persons or any of them is excessive, the committee shall, Powers to prevent extravagant establishment.

¹Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

²Substituted for the word "Pay" by section II of Punjab Act, II of 1923.

³Substituted by Punjab Act, III of 1933, section 18.

⁴Substituted for the words "Government official" by the Government of India (Adaptation of Indian Laws) Order, 1937.

⁵Substituted by Punjab Act, III of 1933, section 19.

on the requirement of the Commissioner, reduce the number of those persons or the remuneration, as the case may be :

Provided that the committee may appeal against any such requirement to the ¹[Provincial Government], and the decision of the ¹[Provincial Government] on any such appeal shall be final.

43. (1) If an officer or servant of a committee is a ²[person in the service of the Crown], the committee may—

(a) if his services are wholly lent to it, ³[make such contributions to his pension, gratuity and leave allowances as may be required, by the conditions of his service under the Crown, to be paid by him or on his behalf] ; and

(b) if he devotes only a part of his time to the performance of duties in behalf of the committee, contribute to his pension, gratuity and leave allowances in such proportion as may be determined by the ¹[Provincial Government].

(2) If an officer or servant of a committee is not a ²[person in the service of the Crown], the committee may, subject to such conditions as the ¹[Provincial Government] may prescribe—

(a) grant him leave, absentee or acting allowance ; and

⁴[(b) if his pay is less than twenty rupees a month, either permit him to contribute to a provident or annuity fund established under (c) or grant him a gratuity on retirement ; and

(c) if his pay is over twenty rupees a month establish and maintain a provident or annuity fund, and compel him to contribute thereto.]

(d) where such a fund has not been established, or where such a fund has been established, but he has been contributing thereto for less than the whole of his service, grant him a

¹Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

²Substituted for the words "Government Official" by the Government of India (Adaptation of Indian Laws) Order, 1937.

³Substituted for the words "contribute to his pension, gratuity, and leave allowances in accordance with any general or special orders of the Governor-General in Council in force for the time being" by the Government of India (Adaptation of Indian Laws) Order, 1937.

⁴Substituted by Punjab Act, III of 1933, section 20.

gratuity or purchase or arrange for an annuity for him on his retirement.

(3) With the sanction of the ¹[Provincial Government], the committee may give an extraordinary pension or gratuity—

(a) to any officer or servant injured in the execution of his duty ;

(b) to the family of any officer or servant who is killed in the execution of his duty or whose death is due to devotion to duty.

(4) A pension, gratuity or annuity shall not exceed the sum to which, ²[* * * * *], such officer or servant or his family would be entitled if the service had been service under ³[the Crown].

44. (1) If a person serving or having served under a committee has been or is transferred from or to the service of ³[the Crown] or is partly employed by the ¹[Crown] and partly by a committee, the committee shall ⁴[make such contributions to his pension and leave allowances as may be required, by the conditions of his service under the Crown, to be paid by him or on his behalf.] Pension, in case of service partly under the Crown and partly under committee

⁵[(2) In the absence of a written contract to the contrary, the committee may dispense with the services of any such person by giving the ¹(Government concerned) one month's previous notice.]

45. (1) In the absence of a written contract to the contrary, every officer or servant employed by a committee shall be entitled to one month's notice before discharge or to one month's wages in lieu thereof, unless he is discharged during a period of probation or for misconduct or was engaged for a specified term and discharged at the end of it. Notice before discharge

¹Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

²The words "under any general or special order" of the Governor-General in Council for the time being in force" were omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.

³Substituted for the word "Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

⁴Substituted for the words "contribute to his pension and leave allowances to the extent required by the rules in force for the time being made by the Governor-General in Council in this behalf" by the Government of India (Adaptation of Indian Laws) Order, 1937.

⁵Substituted by section 14 of Punjab Act, II of 1923.

¹[(2) Should any officer or servant employed by a committee, in the absence of a written contract authorizing him so to do, and without reasonable cause, resign his employment or absent himself from his duties without giving one month's notice to the committee he shall be liable to forfeit a sum not exceeding one month's wages out of any wages due to him, and if no wages, or less than one month's wages, are due to him, he shall be liable to a penalty not exceeding wages for one month or an amount equal to the difference between one month's wages and the wages due to him, which shall be recoverable in the manner provided by section 81.]

(3) Should any sweeper employed by a committee, in the absence of a written contract authorizing him so to do, and without reasonable cause, resign his employment or absent himself from his duties without giving one month's notice to the committee, or neglect or refuse to perform his duties or any of them, he shall, be liable to imprisonment which may extend to two months.

(4) The ²[Provincial Government] may, by notification, direct that, on and from a date to be specified in the notification, the provisions of sub-section (3) with respect to sweepers shall apply also to any specified class of servants employed by any committee whose functions intimately concern the public health or safety.

Contracts.

³46. (1) The committee of any municipality of the first class may, subject to the provisions of this Act, delegate to one or more of its members the power of entering on its behalf into any particular contract whereof the value or amount does not exceed five hundred rupees, or into any class of such contracts.

(2) No contract by or on behalf of any committee whereof the value or amount exceeds five hundred rupees shall be entered into until it has been sanctioned at a meeting of committee.

³47. (1) Every contract made by or on behalf of the committee of any municipality of the first class whereof

¹Substituted by Punjab Act, III of 1933, section 21.

²Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

³See footnote No. 1, page 24, *supra*.

the value or amount exceeds one hundred rupees, and every contract made by or on behalf of the committee of any municipality of the second class whereof the value or amount exceeds fifty rupees, shall be in writing, and must be signed by two members, of whom the president or a vice-president shall be one, and countersigned by the secretary :

Provided that, when the power of entering into any contract on behalf of the committee has been delegated under the last foregoing section, the signature or signatures of the member or members to whom the power has been delegated shall be sufficient.

(2) Every transfer of immovable property belonging to any committee must be made by an instrument in writing, executed by the president or vice-president, and by at least two other members of committee, whose execution thereof shall be attested by the secretary.

(3) No contract or transfer of the description mentioned in this section executed otherwise than in conformity with the provisions of this section shall be binding on the committee.

48. ¹[(1) If any member, officer or servant of a committee or of a joint committee, without the previous permission in writing of the Commissioner voluntarily renders himself interested in any contract made with that committee, or if within one month of his becoming interested in any such contract he neither resigns nor obtains the permission in writing of the Commissioner for his remaining a member, officer or servant of the committee in spite of his interest in such contract, he shall be deemed to have committed an offence under section 168 of the Indian Penal Code :

Penalty of member, officer or servant becoming interested in any contract made with committee

Provided that for the purposes of this sub-section a person who has been elected but whose election has not been notified shall be deemed to be a member.]

(2) No member, officer or servant of a committee or of a joint committee shall by reason only of his being a shareholder in, or a member of, any incorporated or registered company, be held to be interested in any contract entered into between the said company and the committee or joint committee ; but no such person as aforesaid shall take part in any proceedings of the committee or joint committee relating to any such contracts.

¹Substituted by Punjab Act, III of 1933, section 22.

Privileges and liabilities.

49. No suit shall be instituted against a committee, or against any officer or servant of a committee, in respect of any act purporting to be done in its or his official capacity, until the expiration of one month next after notice in writing has been, in the case of a committee, delivered or left at its office, and in the case of an officer or servant, delivered to him or left at his office or place of abode, stating the cause of action and the name and place of abode of the intending plaintiff; and the plaint must contain a statement that such notice has been so delivered or left:

Provided that nothing in this section shall apply to any suit instituted under section 54 of the Specific Relief Act, 1877.

¹[50. (1) Every person shall be liable for the loss, waste or misapplication of any money or other property belonging to a committee, if such loss, waste or misapplication is reported by the Examiner of Local Fund Accounts, or other audit authority empowered by the ²[Provincial Government] in this behalf to be a direct consequence of his neglect or misconduct in the performance of his duties while a member of the committee; and he may after being given an opportunity, by notice served in the manner provided for the service of summonses in the Civil Procedure Code, to show cause by written or oral representation why he should not be required to make good the loss, be surcharged with the value of such property or the amount of such money by the Deputy Commissioner, or if the Deputy Commissioner is a member of the municipal committee, by the Commissioner, and if the amount is not paid within fourteen days from the expiry of the period of appeal prescribed by sub-section (2) the Collector at the request of the Deputy Commissioner or Commissioner, as the case may be, shall proceed forthwith to recover the amount as if it were an arrear of land revenue, and have it credited to the municipal fund.

(2) The person against whom an order under ³(sub-section) (1) is made, may within thirty days of the notification of such order appeal to the Commissioner from the order

¹Substituted for section 50 by Punjab Act, III of 1933, section 23.

²Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.-

³Substituted for the word "Clause" by Punjab Act I of 1934, section 4 (i) & (ii).

of the Deputy Commissioner, or, if the order has been passed by the Commissioner, to the ¹[Provincial Government] who shall appoint an officer to hear the appeal; and the appellate authority shall have the power of confirming, modifying or disallowing the surcharge:

Provided that no person shall under this section be called upon to show cause after the expiry of a period of four years from the occurrence of such loss, waste or misapplication or after the expiry of one year from the time of his ceasing to be a member:

Provided further that nothing in this section shall be deemed to debar the aggrieved party from seeking a remedy in a civil court against an order made under ²[(sub-section) (1).]

CHAPTER IV.

MUNICIPAL FUND AND PROPERTY.

³[51. There shall be formed for each municipality a municipal fund, and there shall be placed to the credit thereof—

Constitution
of municip
fund.

(a) all sums received by, or on behalf of, the committee under this Act or otherwise; ⁴* * *

(b) the balance (if any) standing at the credit of the municipal fund of the municipality at the commencement of this Act;] and

⁵[(c) all fines realized in cases in which prosecutions for offences committed within the municipality are instituted under this Act or the bye-laws made thereunder or under section 34 of the Police Act, 1861, or under the Prevention of Cruelty to Animals Act, 1890, or the rules made thereunder or under any other Act or rules made under it, in which provision is made for the credit of such fines to the municipal fund.]

¹Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

²Substituted for the word "Clause" by Punjab Act I of 1934, section 4 (i) & (ii).

³Substituted by Punjab Act, III of 1933, section 24.

⁴The word "and" at the end of cl. (a) was omitted and inserted at the end of cl. (b) by Punjab Act, III of 1935.

⁵Inserted by Punjab Act, III of 1935.

52. (1) The committee shall set apart and apply out of the municipal fund—

(a) first, such sum as may be required for the payment of any amounts falling due on any loan legally contracted by it ;

¹[(b) secondly, such sum as the committee may be required by the ²(Provincial Government) to contribute towards the cost of such Local Self-Government Board or Inspectorate as the ²(Provincial Government) may establish, for the purpose of advising, assisting and supervising the work of municipal committees and other local bodies :

‘Provided that such sum shall not exceed an amount equal to one per cent. of the income for the financial year preceding the year, in which the committee is called upon to make the contribution.]

(c) ³thirdly, such sum as may be required to meet the charges of its own establishment, including such subscriptions and contributions as are referred to in sections 43 and 44, and such sum as may be required for the maintenance of a police establishment under Chapter VI ;

[(d) fourthly, such sum as may be required to pay the expenses incurred in auditing the accounts of the committee, and such portion of the cost of any public expenditure by the ⁵[(Central Government) or the ²(Provincial Government) as may be held by the ²(Provincial Government) to be equitably payable by the committee in return for services rendered to it ;]

[(e) fifthly, such sum as the committee may be required by the ²[(Provincial Government) to contribute towards the maintenance of pauper lunatics or pauper lepers sent from any place

¹Inserted by Punjab Act, III of 1933, section 25 (1) (i).

²Substituted for the words “Local Government” by the Government of India (Adaptation of Indian Laws) Order, 1937.

³Substituted for the word “secondly” by Punjab Act, III of 1933, section 25 (1) (i).

⁴Substituted by Punjab Act, III of 1933, section 25 (1) (ii).

⁵Substituted for the words “Government of India” by the Government of India (Adaptation of Indian Laws) Order, 1937.

⁶Clauses (e) and (f) were inserted by Punjab Act, III of 1933, section 25 (1) (iii).

in the province to mental hospitals or public asylums whether in or outside the province.

- (f) sixthly, such sum as may be due to the ¹(Provincial Government) in respect of the cost of maintenance by the ¹(Provincial Government), on behalf of the committee, of water-works, drainage, sewage or other works.]

(2) Subject to the charges specified in sub-section (1) and to such rules as the ²[Provincial Government] may make with respect to the priority to be given to the several duties of the committee, the municipal fund shall be applicable to the payment, in whole or in part, of the charges and expenses incidental to the following matters within the municipality, and with the sanction of the Commissioner outside the municipality, namely :—

- (a) the construction, maintenance, improvement, cleansing and repair of all public streets, bridges, town-walls, town-gates, embankments, drains, privies, latrines, urinals, tanks and water-courses ;
- (b) the watering and lighting of such streets or any of them ;
- (c) the construction, establishment and maintenance of schools, hospitals and dispensaries, and other institutions for the promotion of education or for the benefit of the public health, and of rest-houses, sarais, poor-houses, markets, encamping grounds, pounds, and other works of public utility, and the control and administration of public institutions of any of these descriptions ;
- (d) grants-in-aid to schools, hospitals, dispensaries, poor-houses, leper-asylums, and other educational or charitable institutions ;
- (e) the training of teachers and the establishment of scholarships ;
- (f) the giving of relief and the establishment and maintenance of relief works in time of famine or scarcity ;

¹Substituted for the word "Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

²Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

- (g) the supply, storage and preservation from pollution of water for the use of men or animals ;
- (h) the planting and preservation of trees ; and the establishment and maintenance of public parks and garden ;
- (i) the taking of a census, the registration for births, marriages and deaths, public vaccination and any sanitary measure ;
- (j) the holding of fairs and industrial exhibitions ;
- (k) the preparation and maintenance of a record of rights in immoveable property ; and
- (l) all acts and things which are likely to promote the safety, health, welfare or convenience of the inhabitants, or expenditure whereon may be declared by the committee, with the sanction of the ¹[Provincial Government], to be an appropriate charge on the municipal fund.

²[(3) Notwithstanding anything contained in the foregoing sub-sections of this Act no charges or expenses shall be paid from the municipal fund incidental to any matter which has been specifically declared by the ¹[Provincial Government] by general or special order to be a matter in regard to which no expenditure shall be met from the municipal fund.

(4) Subject to the provisions of this Act and the rules and bye-laws made thereunder it shall be the duty of the president and of any member presiding at any meeting of the committee or of a sub-committee to disallow the consideration or discussion of any matter for which provision is not made in section 52 or any other section of the Act].

53. With the sanction of the ¹[Provincial Government] a salary of such amount as the ¹[Provincial Government] may fix may be paid to the president of a committee, not being a salaried ³[servant of the Crown], out of the municipal fund.

54. (1) In places where there is a Government treasury or sub-treasury or a bank to which the Government treasury

Substituted for the words "Local Government" by the Government of India. (Adaptation of Indian Laws) Order, 1937:

²Sub-sections (3) and (4) were inserted by Punjab Act, III of 1933, section 25 (2).

³Substituted for the words "Officer of Government" by the Government of India. (Adaptation of Indian Laws) Order, 1937.

business has been made over, the municipal fund shall be kept in such treasury, sub-treasury or bank.

¹[(2) In places where there is no such treasury, sub-treasury or bank, the municipal fund may with the previous sanction of the Commissioner be deposited with any banker, or person acting as a banker, and who has given such security for the safe custody and repayment on demand of the fund so deposited as the Commissioner may in each case think sufficient.]

55. ²[(1) A committee may, with the previous sanction of the Commissioner, invest any portion of its municipal fund in securities of ³(the Central Government), or invest it in such other securities or place it in such other manner as the ⁴(Provincial Government) may approve in this behalf, and vary such investment or placement for others of like nature.] Investment of same.

(2) The income resulting from ⁵[such] securities ⁶[or placements] and the proceeds of the sale of the same shall be credited to the municipal fund.

56. (1) Subject to any special reservation made or to any special conditions imposed by the ⁴[Provincial Government], all property of the nature hereinafter in this section specified and situated within the municipality, shall vest in and be under the control of the committee, and with all other property which has already vested, or may hereafter vest in the committee, shall be held and applied by it for the purposes of this Act, that is to say :— Property vested in committee

(a) all public town-walls, gates, markets, slaughter-houses, manure and night-soil depôts and public buildings of every description which have been constructed or are maintained out of the municipal fund ;

(b) all public streams, springs and works for the supply, storage and distribution of water for public purposes, and all bridges, buildings,

¹Substituted by Punjab Act, III of 1933, section 26.

²Substituted by Punjab Act, III of 1933, section 27.

³Substituted for the words "the Government of India" by the Government of India (Adaptation of Indian Laws) Order, 1937.

⁴Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

⁵Substituted for the word "the" by Punjab Act, II of 1923, section 15.

⁶Inserted by Punjab Act II of 1923, section 15.

engines, materials and things connected therewith or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank or well ;

- ¹[(c) all public sewers and drains, and all sewers, drains, culverts and water-courses in or under any public street, or constructed by or for the committee alongside any public street, and all works, materials and things appertaining thereto] ;
- (d) all dust, dirt, dung, ashes, refuse, animal matter or filth or rubbish of any kind, or dead bodies of animals, collected by the committee from the streets, houses, privies, sewers, cesspools or elsewhere or deposited in places fixed by the committee under section 154 ;
- (e) all public lamps, lamp-posts and apparatus connected therewith or appertaining thereto ;
- (f) all land or other property transferred to the committee ²[by the Crown] or acquired by gift, purchase or otherwise for local public purposes ;
- ³[(g) all public streets, not being land owned ⁴(by the Crown) and the pavements, stones and other materials thereof, and also trees growing on, and erections, materials, implements and things provided for, such streets.]

(2) Where any immovable property is transferred otherwise than by the sale by the ⁵[Provincial Government] to a municipal committee for public purposes, it shall be deemed to be a condition of such transfer, unless specially provided to the contrary, that should the property be at any time resumed ³[by the Crown], the compensation payable therefor shall, notwithstanding anything to the contrary in the Land Acquisition Act, 1894, in no case exceed the amount, if any, paid to the Government for the transfer, together with the cost or the present value, whichever shall be less, or any buildings erected or other works executed on the land by the municipal committee.

¹Substituted by Punjab Act, III of 1933, section 28 (1) (i).

²Substituted for the words "by the Government" by the Government of India (Adaptation of Indian Laws) Order, 1937:

³Substituted by Punjab Act, III of 1933, section 28 (1) (ii).

⁴Substituted for the words "by Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

⁵Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

1[(3) The committee shall maintain a register and a map of all immoveable property of which it is the proprietor, or which vests in it ; or which it holds in trust for the² [Provincial Government).]

57. (1) The management, control and administration of every public institution maintained out of the municipal fund shall vest in the committee. Management of public institution

(2) When any public institution has been placed under the direction, management and control of the committee, all property, endowments and funds belonging thereto shall be held by the committee in trust for the purposes to which such property, endowments and funds were lawfully applicable at the time when the institution was so placed :

Provided that the extent of the independent authority of the committee in respect of any such institution may be prescribed by the ²[Provincial Government] :

Provided also that nothing in this section shall be held to prevent the vesting of any trust property in the Treasurer of Charitable Endowments under the Charitable Endowments Act, 1890.

58. When any land, whether within or without the limits of a municipality, is required for the purposes of this Act, the ²[Provincial Government] may, at the request of the committee, proceed to acquire it under the provisions of the Land Acquisition Act, 1894, and on payment by the committee of the compensation awarded under that Act, and of any other charges incurred in acquiring the land, the land shall vest in the committee. India Act, 1894.
Acquisition of land.

Explanation.—When any land is required for a new street or for the improvement of an existing street, the committee may proceed to acquire, in addition to the land to be occupied by the street, the land necessary for the sites of the buildings to be erected on both sides of the street, and such land shall be deemed to be required for the purposes of this Act.

59. The committee may, with the sanction of the ²[Provincial Government], transfer to His Majesty any property vesting in the committee under section 56 or section 57, but India Act 1894.
Transfer to Crown of property vested in committee

¹Inserted by Punjab Act, III of 1933, section 28 (2).

²Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

not so as to affect any trusts or public rights subject to which the property is held.

60. Nothing in this Act shall affect the Local Authorities Loans Act, 1879.

CHAPTER V.

TAXATION.

161. Subject to any general or special orders which the ²[Provincial Government], may make in this behalf, and to the rules, any committee may, from time to time for the purposes of this Act, and in the manner directed by this Act, impose in the whole or any part of the municipality any of the following taxes, namely :—

(I) (a) a tax payable by the owner, on buildings and lands—

- (i) not exceeding twelve and-a-half per centum on the annual value ;
- (ii) not exceeding in the municipalities of Simla, Dharmsala, Dalhousie and Murree, one anna and four pies, and elsewhere one anna, per square yard of the ground area ; or
- (iii) not exceeding in the municipalities of Simla, Dharmsala, Dalhousie and Murree, four rupees, and elsewhere three rupees, per running foot of frontage in streets or bazaars :

Provided that in the whole or any part of the municipality of Simla there may be imposed both a tax on buildings and a tax on lands :

Provided further that in the case of lands and buildings occupied by tenants in perpetuity, the tax shall be payable by such tenants.

(b) a tax on persons practising any profession or art or carrying on any trade or calling in the municipality ;

³[*Explanation.*—A ⁴(person in the service of the Crown) or person holding an office under the ²(Provincial Government)

¹ Substituted by section 16 of Punjab Act, II of 1923.

² Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

³ Added by Punjab Act, I of 1925, section 3.

⁴ Substituted for the words "Government official" by the Government of India (Adaptation of Indian Laws) Order, 1937.

or the ¹(Central Government) or a local ²(or other public) authority shall be deemed to be practising a profession within the meaning of this sub-clause.]

(c) a tax, payable by the owner, on all or any vehicles, animals used for riding, draught or burden, and dogs, when such vehicles, animals used as aforesaid, and dogs are kept within the municipality ;

* * * * *

³(d) a tax, payable by the employer, on menial domestic servants ;

³(e) a tax, payable by the occupier of any building in respect of which the committee has, in exercise of the powers conferred by sections 159 to 165 of this Act, undertaken the house scavenging.

⁴[(f) a tax payable by persons presenting building applications to the committee :]

Provided that a committee shall not impose any tax without the previous sanction of the ⁵[Provincial Government] when—

(i) it consists of members less than three-fourths of whom have been elected, or

(ii) its cash balances have, at any time within the three months preceding the date of the passing of the resolution imposing the tax, fallen below Rs. 20,000 or one-tenth of the income accrued in the previous financial year, whichever amount shall be less.

(2) Save as provided in the foregoing clause, with the previous sanction of the ⁵[Provincial Government] any other tax which ⁶[the Provincial Legislature has power to impose in the Province under the Government of India Act, 1935.]

¹Substituted for the words "Government of India" by the Government of India (Adaptation of Indian Laws) Order, 1937.

²Inserted by Punjab Act, III of 1933, section 23 (i).

³Clause (d) was omitted and subsequent clauses relettered (d) and (e) respectively by Punjab Act, III of 1933, section 29 (ii).

⁴Clause (f) was inserted by Punjab Act, III of 1933, section 23 (iii).

⁵Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

⁶Substituted for the words "under rules made under clause (c) of sub-section (3) of section 80-A of the Government of India Act, a local authority may be authorized to impose by any law made by the local legislature without the previous sanction of the "Governor-General" by the Government of India (Adaptation of Indian Laws) Order, 1937.

1[(3) [* * * * *]]

2[Nothing in this section shall authorise the imposition of any tax which the Provincial Legislature has no power to impose in the Province under the Government of India Act, 1935 ;

Provided that a committee which immediately before the commencement of Part III of the said Act was lawfully levying any such tax under this section as then in force, may continue to levy that tax until provision to the contrary is made by the Central Legislature].

3[62. (1) A committee may, at a special meeting, pass a resolution to propose the imposition of any tax under section 61.

(2) When such a resolution has been passed the committee shall publish a notice, defining the class of persons or description of property proposed to be taxed, the amount or rate of the tax to be imposed, and the system of assessment to be adopted.

(3) Any inhabitant objecting to the proposed tax may, within thirty days from the publication of the said notice, submit his objection in writing to the committee ; and the committee shall at a special meeting take his objection into consideration.

(4) If the committee decides to amend its proposals or any of them, it shall publish amended proposals, along with a notice indicating that they are in modification of those previously published for objection.

(5) Any objections which may within thirty days be received to the amended proposals shall be dealt with in the manner prescribed in sub-section (3).

(6) When the committee has finally settled its proposals, it shall, if the proposed tax falls under clauses (b) to (f) of sub-section (1) of section 61 direct that the tax be imposed, and shall forward a copy of its order to that effect through the Commissioner, to the 4[Provincial Government] and if the proposed tax falls under any other provision, it shall submit its

¹Sub-section (3) was omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.

²The words within square brackets were inserted at the end of the section by the Government of India (Adaptation of Indian Laws) Order, 1937.

³Substituted by Punjab Act, III of 1933, section 30.

⁴Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

proposals together with the objection if any made in connection therewith, to the Commissioner.

(7) If the proposed tax falls under clause (a) of sub-section (1) of section 61, the Commissioner, after considering the objections received under sub-sections (3) and (5), may either refuse to sanction the proposals or return them to the committee for further consideration, or sanction them without modification or with such modification not involving an increase of the amount to be imposed, as he deems fit, forwarding to the ¹[Provincial Government] a copy of the proposals and his order of sanction; and if the tax falls under sub-section (2) ²* * * * of section 61, the Commissioner shall submit the proposals and objections with his recommendations to the ¹[Provincial Government].

(8) The ¹[Provincial Government] on receiving proposals for taxation under sub-section (2)² * * * * may sanction or refuse to sanction the same, or return them to the committee for further consideration.

3(9) * * * * *

(10) (a) When a copy of an order under sub-sections (6) and (7) has been received, or

(b) when a proposal has been sanctioned under sub-section (8) ⁴* * * *

the ¹[Provincial Government] shall notify the imposition of the tax in accordance with such order or proposal, and shall in the notification specify a date not less than three months from the date of the notification, on which the tax shall come into force.

(11) A tax leviable by the year shall come into force on the first day of January or on the first day of April or on the first day of July, or on the first day of October in any year, and if it comes into force on any other than the first day of the year by which it is leviable shall be leviable by the quarter till the first day of such year then next ensuing.

¹Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

²The word and figure "or (3)" were omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.

³Sub-section (9) was omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.

⁴The words and figure "or sub-section (2)" were omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.

(12) A notification of the imposition of a tax under this Act shall be conclusive evidence that the tax has been imposed in accordance with the provisions of the Act.]

Procedure for assessing immoveable property.

63. The committee shall cause an assessment list of all buildings and lands on which any tax is imposed to be prepared, containing—

- (a) the name of the street or division in which the property is situated ;
- (b) the designation of the property, either by name or by number sufficient for identification ;
- (c) the names of the owner and occupier, if known ;
- (d) the annual value, area or length of frontage on which the property is assessed ; and
- (e) the amount of the tax assessed thereon by the committee.

64. When the assessment list has been completed, the committee shall give public notice thereof, and of the place where the list or a copy thereof may be inspected ; and every person claiming to be either owner or occupier of property included in the list, and any authorized agent of such person, shall be at liberty to inspect the list and to make extracts therefrom without charge.

65. (1) The committee shall at the time of the publication of such assessment list give public notice of a time, not less than one month thereafter, when it will proceed to revise the valuation and assessment ; and in all cases in which any property is for the first time assessed, or the assessment thereof is increased, it shall also give notice thereof to the owner or occupier of the property.

(2) All objections to the valuation and assessment shall be made in writing before the time fixed in the notice, or orally or in writing at that time.

66. (1) After the objections have been enquired into and the persons making them have been allowed an opportunity of being heard either in person or by authorized agent, as they may think fit, and the revision of the valuation and assessment has been completed, the amendments made

in the list shall be authenticated by the ²[signatures of not less than two members of the committee], who shall at the same time certify that no valid objection has been made to the valuation and assessment contained in the list, except in the cases in which amendments have been entered therein ; and, subject to such amendments as may thereafter be duly made, the tax so assessed shall be deemed to be the tax for the year commencing on the first day of January or first day of April next ensuing as the committee may determine, or in the case of a tax then imposed for the first time for the period between the date on which the tax comes into force and such first day of January or April, as the case may be.

(2) The list when amended under this section shall be deposited in the committee's office and shall there be open during office hours to all owners or occupiers of property comprised therein or the authorized agents of such persons, and a public notice that it is so open shall forthwith be published.

67. (1) The committee may at any time amend the list by inserting the name of any person whose name ought to have been or ought to be inserted, or by inserting any property which ought to have been or ought to be inserted, or by altering the assessment on any property which has been erroneously valued or assessed through fraud, accident or mistake, whether on the part of the committee or of the assessee, or in the case of a tax payable by the occupier by a change in the tenancy, after giving notice to any person affected by the amendment, of a time, not less than one month from the date of service, at which the amendment is to be made.

Further amendments of assessment list.

(2) Any person interested in any such amendment may tender his objection to the committee in writing before the time fixed in the notice, or orally or in writing at that time, and shall be allowed an opportunity of being heard in support of the same in person, or by authorized agent, as he may think fit.

68. It shall be in the discretion of the committee to prepare ²[for the whole or any part of the municipality] a new assessment list every year, or to adopt the valuation and assessment contained in the list for any year, with such

New list need not be prepared every year.

¹In the case of Municipalities to which the Municipal (Executive Officer) Act, 1931 applies, the words "Executive Officer" shall be deemed to be substituted for the words within brackets,—vide Item No. 5, Schedule II, Act II of 1931.

²Inserted by section 18 of Punjab Act, II of 1923.

alterations as may in particular cases be deemed necessary, as the valuation and assessment for the year following, giving to persons affected by such alterations the same notice of the valuation and assessment as if a new assessment list had been prepared.

General provisions.

69. No assessment and no charge or demand of any tax made under the authority of this Act shall be impeached or affected by reason of any mistake in the name, residence, place of business or occupation of any person liable to pay the tax, or in the description of any property or thing liable to the tax, or of any mistake in the amount of assessment or tax, or by reason of any clerical error or other defect of form; and it shall be enough in any such tax on property or any assessment of value for the purpose of any such tax if the property taxed or assessed is so described as to be generally known: and it shall not be necessary to name the owner or occupier thereof.

70. (1) A committee may exempt, in whole or in part, for any period not exceeding one year, from the payment of any such tax, any person who by reason of poverty may in its opinion be unable to pay the same, and may renew such exemption as often as may be necessary.

(2) A committee, by a resolution passed at a special meeting and confirmed by the ¹[Provincial Government], may—

- (a) provide that all or any persons may be allowed to compound for taxes imposed ²[under sub-clauses (c), (d) and (e) of clause (1) and under clauses (2) and (3)] of section 61;
- (b) abolish, suspend or reduce in amount any tax imposed under the foregoing sections; or
- (c) exempt in whole or in part from the payment of any such tax, any person or class of persons or any property or description of property.

71. (1) The ¹[Provincial Government] may by order exempt in whole or in part from the payment of any such tax any person or class of persons or any property or description of property.

¹Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

²Substituted for the words, letters and brackets "under clause (B) (f)" by Act, I of 1925, section 4.

(2) If at any time it appears to the ¹[Provincial Government], on complaint made or otherwise, that any tax imposed under the foregoing sections is unfair in its incidence or that the levy thereof or of any part thereof is injurious to the interests of the general public, it may require the committee to take within a specified period measures to remove the objection; and, if within that period the requirement is not complied with to the satisfaction of the ¹[Provincial Government], the ¹[Provincial Government] may by notification suspend the levy of the tax or of such part thereof until the objection has been removed.

72. (1) When any property assessed to a tax under ²[sub-clause (a) of clause (1) of section 61], which is payable by the year or by instalments, has remained unoccupied and unproductive of rent throughout the year or the period in respect of which any instalment is payable, the committee shall remit the amount of the tax or of the instalment, as the case may be :

Remission
tax on
occupied
immovable
property.

Provided that no such remission shall be granted unless notice in writing of the circumstances under which it is claimed has been given to the committee within the first month after the expiry of the period in respect of which it is so claimed.

(2) When any such property as aforesaid—

(a) has not been occupied or productive of rent for any period of not less than sixty consecutive days, or

(b) consists of separate tenements, one or more of which has or have not been occupied or productive of rent for any such period as aforesaid, or

(c) is wholly or in greater part demolished or destroyed by fire or otherwise,

the committee may remit such portion (if any) of the tax or instalment as it may think equitable.

(3) The burden of proving the facts entitling any person to claim relief under this section shall lie upon him.

(4) For the purposes of this section neither the presence of a care-taker nor the mere retention in an otherwise

¹Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

²Substituted by Punjab Act, I of 1925, section 5.

unoccupied dwelling house of the furniture habitually used in it shall constitute occupation of the house.

(5) For the purposes of this section a house shall be deemed to be productive of rent if let to a tenant who has a continuing right of occupation thereof, whether it is actually occupied by such tenant or not.

* * * * *

73. (1) Every person shall on the demand of an officer duly authorized by the committee in this behalf furnish such information as may be necessary in order to ascertain whether such person is liable to pay any municipal tax ; and every hotel or lodging house keeper or secretary of a residential club shall also on demand made as aforesaid furnish a list of all persons residing in such hotel, lodging-house or club.

(2) If any person so called upon to furnish such information omits to do so or furnishes information which is untrue, he shall be punishable with fine which may extend to one hundred rupees.

74. (1) Whenever the title to or over any building or land of any person primarily liable for the payment of property taxes on such property is transferred the transferor²[and the transferee] shall within three months of the registration of the deed of transfer if it be registered, or if to be not registered, within three months of its execution, or if no instrument be executed, of the actual transfer, give notice in writing of such transfer to the committee.

(2) Every person primarily liable for the payment of a tax on any property, who transfers his title to or over such property, without giving notice of such transfer to the committee as aforesaid, shall, in addition to any other liability which he incurs through such neglect, continue liable for the payment of all such taxes from time to time payable in respect of the said property until he gives such notice, or until the transfer shall have been recorded in the committee's books.

²[(3) Whenever the title to or over any building or land has devolved upon any person by inheritance, the heir shall within three months of the date of the death of the

¹Sub-section (6) has been added for the Municipalities to which the Municipal (Executive Officer) Act, 1931 applies. See Item No. 6, Schedule II of Punjab Act, II of 1931, *infra*.

²Inserted by section 19 of Punjab Act, II of 1923.

former owner give notice in writing of such inheritance to the committee.]

(4) But nothing in this section shall be held to diminish the liability of the transferee ¹[or heir] for the said taxes or to affect the prior claim of the committee for the recovery of the taxes due thereupon.

75. The committee may authorize any person—

Power of entry for the purposes of valuation or taxation.

(a) after giving twenty-four hours' notice to the occupier, or, if there be no occupier, to the owner, of any building or land, at any time between sunrise and sunset, to enter, inspect and measure any building for the purpose of valuation ;

(b) to enter and inspect any stable, coach-house or other place wherein there is reason to believe that there is any vehicle or animal liable to taxation under this Act or for which a licence has not been duly taken out.

76. Every person bringing or receiving within the octroi ²[or terminal] limits of any municipality any article in which octroi ³[or terminal tax] is payable, shall when required by an officer duly authorized by the committee in this behalf and so far as may be necessary for ascertaining the amount of tax chargeable,—

Power to examine article liable to octroi.

(a) permit that officer to inspect, examine, weigh and otherwise deal with the article, and

(b) communicate to that officer any information and exhibit to him any bill, invoice or document of a like nature which he may possess relating to the article.

77. (1) If any person, bringing or receiving conveyance or package within the octroi ⁴[or terminal tax] limits of a municipality on which octroi ⁵[or terminal tax] is or is believed to be leviable, shall refuse, on the demand of an officer authorized by the committee in this behalf, to permit the officer to inspect, weigh or otherwise examine the contents of the conveyance or package for the purpose of ascertaining

Power to search vehicle liable.

¹Inserted by section 19, Punjab Act, II of 1923.

²Inserted by section 20, Punjab Act, II of 1923.

³Inserted by section 2, Punjab Act, I of 1922.

⁴Inserted by section 21, Punjab Act, II of 1923.

⁵Inserted by section 3, Punjab Act, I of 1922.

whether it contains any articles in respect of which octroi ¹[or terminal tax] is payable, or shall refuse to communicate that officer any information and exhibit to him any bill, invoice or document of a like nature which he may possess relating to the article, or with the intention of defrauding the committee or a lessee under section 83 shall communicate any such information which is false or exhibit any such bill, invoice or document of a like nature which is false, forged or fraudulent he shall be punishable with a fine which may extend to fifty rupees.

(2) Any such person may demand that the conveyance or package or both, as the case may be, shall be taken without unnecessary delay before ²[a member of the committee or the secretary] or a magistrate who shall cause the inspection to be made in his presence.

78. If ³[animals or articles] passing the octroi ⁴[or terminal tax] boundary of a municipality are liable to the payment of octroi ⁵[or terminal tax] then every person who, with the intention to defraud the committee or a lessee under section 83, causes or abets the introduction of, or himself introduces or attempts to introduce within the said octroi ⁴[or terminal tax] boundary, any such ³[animals or articles] upon which payment of the octroi ⁵[or terminal tax] due on such introduction has neither been made nor tendered shall be punishable with fine which may extend either to ten times the value of such octroi ⁵[or terminal tax] or to fifty rupees, whichever may be greater ⁶[* * * * *]

⁷78-A. (1) When a committee, with the sanction of the ⁸[(Provincial Government)] has agreed with a Cantonment Authority or the Committee of an adjoining Small Town or ⁹[the committee of] an area notified under section 241

¹Inserted by section 3, Punjab Act, I of 1922.

²The Municipalities to which the Municipal (Executive Officer) Act, 1931, applies the words "the Executive Officer" shall be deemed to be substituted for the words within brackets in sub-section (2) of section 77,—*vide* item No. 7, Schedule II, of Punjab Act, II of 1931.

³Substituted for the word "goods" by section 22 of Punjab Act, II of 1923.

⁴Inserted by section 22 of Punjab Act, II of 1923.

⁵Inserted by section 4 of Punjab Act, I of 1922.

⁶Sub-section (2) repealed by section 22 (4) of Punjab Act, II of 1923.

⁷Substituted by Punjab Act, III of 1933, section 31.

⁸Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

⁹Inserted by Punjab Act, I of 1934, section 5.

that in consideration of the payment of a lump sum or otherwise the same limits for octroi or terminal tax or any toll or tax shall be established for the contracting parties, the committee may fix limits under section 188 so as to include so much of the area controlled by the said contracting parties as it may deem necessary, and shall have the powers of collecting such toll or tax or octroi or terminal tax on animals or articles brought within such limits, and the provisions of this Act for the assessment and collection of such tax or toll or octroi or terminal tax shall apply in the same way as if the said limits were wholly comprised in the area of the municipality.

(2) The total of the proceeds of such taxes or tolls made in the joint area of the municipality and cantonment or small town or notified area and the cost thereby incurred shall be apportioned between the municipal fund and the fund subject to the control of the Cantonment Authority or the Committee of the Small Town or notified area in such proportion as shall have been determined by the agreement.]

[78-B. When terminal tax is leviable on animals or articles conveyed out of the terminal tax limits the provisions of sections 76, 77, 78 and 78-A shall be deemed, so far as may be, to apply in respect of the animals or articles so conveyed.] Taxation of articles exported.

79. Subject to the provisions of sections 62 (7) and (8) and 66, any tax imposed under this chapter and payable periodically shall be payable on such dates and in such instalments (if any) as the committee, with the previous sanction of the Deputy Commissioner, may from time to time direct. Taxes when payable.

80. (1) When any sum is due on account of a tax payable under this Act in respect of any property by the owner thereof, the committee shall cause a bill for the amount, stating the property and the period for which the charge is made, to be delivered to the person liable to pay the same. Recovery of taxes payable by owner.

(2) If the bill be not paid within ten days from the delivery thereof, the committee may cause a notice of demand to be served on the person liable to pay the same, and, if he do not, within seven days from the service of the notice, pay the sum due, with any fee leviable for the notice or show

sufficient cause for non-payment, the sum due, with the fee, shall be deemed to be an arrear or tax.

(3) The amount of every such arrear, besides being recoverable in any other manner provided by this Act, shall, subject to any claim on behalf of His Majesty, be a first charge on the property in respect of which it is payable, and shall be recoverable, on application made in this behalf by the committee to the Collector, as if the property were an estate assessed to land revenue and the arrear were an arrear of such revenue due thereon :

Provided that nothing in this sub-section shall authorize the arrest of a defaulter.

(4) If any tax or sum leviable under this Act from the owner is recovered from the occupier, such occupier shall, in the absence of any contract to the contrary, be entitled to recover the same from the owner and may deduct the same from the rent then or thereafter due by him to the owner.

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81. (1) Any arrears of any tax, water-rate ¹[rent], fee or any other money claimable by a committee under this Act may be recovered on application to a magistrate having jurisdiction within the limits of the municipality, or in any other place where the person from whom the money is claimable may for the time being be resident, by the distress and sale of any moveable property within the limits of his jurisdiction belonging to such person. ²[The costs of such proceedings shall be recoverable from the defaulter in the same manner as the said arrears.]

²[(2) An application made under sub-section (1) shall be in writing and shall be signed by the ³[president, a vice-president or the secretary] of the committee, but it shall not be necessary to present it in person.]

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⁴[81-A. When a committee has made over to the ⁵[Provincial Government] its water works for maintenance, any arrear of water tax and water rate or both due to the committee

¹Substituted for the word "or" by Punjab Act, III of 1933, section 32.

²Inserted by Punjab Act, II of 1923, section 24.

³The Municipalities to which the Municipal (Executive Officer) Act, 1931, applies, the words "Executive Officer" shall be deemed to be substituted for the words within brackets by item No. 8, Schedule II of Punjab Act, II of 1931.

⁴Inserted by Punjab Act, III of 1933, section 33.

⁵Substituted for the word "Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

under this Act, may be recovered by the ¹(Provincial Government) on behalf of the committee as arrears of land revenue.]

82. (1) In case of non-payment of any octroi ²[or terminal tax] or of any toll on demand, the officer empowered to collect the same may seize any article on which the octroi ²[or terminal tax] is chargeable, or any vehicle or animal on which the toll is chargeable, or any part of its burden of sufficient value to satisfy the demand. Recover octroi and tolls.

(2) The committee after the lapse of five days from the seizure, and after the issue of a proclamation fixing the time and place of sale, may cause any property so seized, or so much thereof as may be necessary, to be sold by auction to satisfy the demand, with the expenses occasioned by the seizure, custody, and sale thereof, unless the demand and expenses are in the meantime paid :

Provided that, by order of the ³[president or a vice-president] articles of a perishable nature which could not be kept for five days without serious risk of damage may be sold after the lapse of such shorter time as he may, having regard to the nature of the articles, think proper.

83. The collection of any octroi ⁴[or terminal tax] or toll may be leased by the committee, with the previous sanction of the Commissioner, for any period not exceeding one year, and the lessee and all persons employed by him in the management and collection of the octroi ⁴[or terminal tax] or toll shall in respect thereof— Power to lease the collection of octroi or tolls.

(a) be bound by any orders made by the committee for their guidance ;

(b) have such powers exercisable by officers of a committee under this Act as the committee may, from time to time, confer upon them, and

(c) be entitled to the same remedies and be subject to the same responsibilities as if they were employed by the committee for the management and collection of the octroi ⁴[or terminal tax] or toll.

¹Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

²Inserted by Punjab Act, I of 1922, section 6.

³Those Municipalities to which the Municipal (Executive Officer) Act, 1931, applies, the words "Executive Officer" shall be deemed to be substituted for the words within brackets,—vide item No. 9 of Schedule II, Punjab Act, II of 1931.

⁴Inserted by section 7 of Punjab Act, I of 1922.

84. (1) An appeal against the assessment or levy of any or against the refusal to refund any tax under this Act shall lie to the Deputy Commissioner or to such other officer as may be empowered by the ¹[Provincial Government] in this behalf :

Provided that, when the Deputy Commissioner or such other officer as aforesaid is, or was when the tax was imposed, a member of the committee, the appeal shall lie to the Commissioner of the division.

(2) If, on the hearing of an appeal under the section, any question as to the liability to, or the principle of assessment of, a tax arises, on which the officer hearing the appeal entertains reasonable doubt, he may, either of his own motion or on the application of any person interested, draw up a statement of the facts of the case and the point on which doubt is entertained, and refer the statement with his own opinion on the point for the decision of the ²[High Court.]

(3) On a reference being made under sub-section (2), the subsequent proceedings in this case shall be, as nearly as may be, in conformity with the rules relating to references to the High Court contained in section 113 and Order XLVI of the Code of Civil Procedure.

(4) In every appeal the costs shall be in the discretion of the officer deciding the appeal.

(5) Costs awarded under this section to the committee shall be recoverable by the committee as though they were arrears of a tax due from the appellant.

(6) If the committee fail to pay any costs awarded to an appellant within ten days after the date of the order for payment thereof, the officer awarding the costs may order the person having the custody of the balance of the municipal fund to pay the amount.

of 85. (1) No appeal shall lie in respect of a tax on any and or building unless it is preferred within one month after the publication of the notice prescribed by section 66 or section 68, or after the date of any final order under section 69, as the case may be, and no appeal shall lie in respect of any other tax unless it is preferred within one month from the time when the demand for the tax is made :

¹Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

²Substituted for the words "Chief Court" by the Government of India (Adaptation of Indian Laws) Order, 1937.

Provided that an appeal may be admitted after the expiration of the period prescribed therefor by this section if the appellant satisfies the officer before whom the appeal is preferred that he had sufficient cause for not presenting the appeal within that period.

(2) No appeal shall be entertained unless the appellant has paid all other municipal taxes due from him to the committee up to the date of such appeal.

86. (1) No objection shall be taken to any valuation or assessment, nor shall the liability of any person to be assessed or taxed be questioned, in any other manner or by any other authority than is provided in this Act. Taxation not to be questioned except under this Act.

(2) No refund of any tax shall be claimable by any person otherwise than in accordance with the provisions of this Act and the rules thereunder.

CHAPTER VI.

MUNICIPAL POLICE.

87. (1) Every committee shall, unless relieved of this obligation by the ¹[Provincial Government], maintain a sufficient police establishment for police requirements within municipal limits and for the performance of the duties imposed on it by this Act. Police establishment.

(2) The establishment maintained under sub-section (1) shall consist either of a body of watchmen or of part of the general police force under the ¹[Provincial Government] within the meaning of section 2 of Act V of 1861, or partly of one and partly of the other, as the ¹[Provincial Government] may determine; and shall consist of such number of officers and men who shall respectively receive such pay, leave allowances, gratuities and pensions as the committee may from time to time, after consultation with the District Magistrate and the Inspector-General of Police, and subject to the final decision of the ¹[Provincial Government] direct.

88. (1) The ¹[Provincial Government] may relieve any committee of the whole or part of the cost of the police establishment, and may enter into a contract with the committee, on such terms as may be agreed on, that, in consideration of such relief, the committee shall pay periodically a sum not exceeding the amount thereof, or undertake any Relief of Committee from police charges.

¹Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

services within the municipality to which the municipal fund can properly be applied, and which are estimated to cost not more than the amount of the relief.

(2) When a committee has been relieved under this section of the whole or part of the cost of the police establishment which it is required to maintain, the ¹[Provincial Government] shall maintain such police establishment as it shall consider necessary, and the establishment so maintained may consist either of a body of watchmen or of a part of the general police force under the ¹[Provincial Government], within the meaning of section 2 of Act V of 1861, or partly of one and partly of the other.

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89. (1) If the establishment maintained under this chapter consists wholly or in part of watchmen, they—

(a) shall be under the orders of the Superintendent of Police, subject to the general control of the District Magistrate ;

(b) shall be appointed and promoted, and shall be liable to dismissal, suspension, reduction or fine, under such rules as the ¹[Provincial Government] may make in this behalf ;

(c) shall perform such duties as the ¹[Provincial Government] may, subject to the provisions of this Act, direct ; and

(d) shall possess the same powers, be entitled to the same assistance, enjoy the same protection, be subject to the same responsibilities, and be liable to the same penalties, as if they were police officers enrolled under Act V of 1861.

(2) Any person obstructing any such watchman in the discharge of his duties may be arrested without warrant by a police officer or by any such watchman.

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90. If the establishment maintained under this chapter or any portion thereof consist of part of the general police force, the ¹[Provincial Government] may, notwithstanding anything contained in Act V of 1861, or in any other Act for the time being in force, define, subject to the provisions of this Act, the duties which the officers and men of the establishment or such portion thereof may or may not be required to perform.

¹Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

91. (1) Every member of a police establishment under this Act shall give immediate information to the committee of any offence committed against this Act or the rules or bye-laws and shall be bound to assist all members, officers and servants of the committee in the exercise of their lawful authority.

Powers and duties of police in respect of offences against Act and rules, and assistance to municipal authorities.

(2) Every member of such police establishment may arrest any person committing in his view any offence against this Act or the rules or bye-laws—

(a) if the name and address of the person are unknown to him, and

(b) if the person declines to give his name and address, or if there is reason to doubt the accuracy of the name and address if given.

(3) A person arrested under this section may be detained until his name and address have been correctly ascertained :

Provided that no person so arrested shall be detained longer than may be necessary for bringing him before a magistrate except under the order of a magistrate for his detention.

92. When special police protection is, in the opinion of the ¹[Provincial Government], requisite on the occasion of any fair, agricultural shows or industrial exhibition, managed by a committee, or for the purpose of guarding houses evacuated on account of plague, the ¹[Provincial Government] may provide such protection, and the committee shall pay the whole charge thereof or such portion of such charge as the ¹[Provincial Government] may consider equitably payable by it.

Police protection at fairs, &c.

CHAPTER VII.

EXTINCTION AND PREVENTION OF FIRE.

93. For the prevention and extinction of fire the committee may ²[and if the ¹(Provincial Government) so directs, shall], establish and maintain a fire-brigade, and may provide any implements, machinery or means of communicating intelligence which the committee may think necessary for the efficient discharge of their duties by the brigade.

Establishment and maintenance of fire-brigade.

¹Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

²Inserted by Punjab Act, XV of 1926, section 3.

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94. (1) On the occasion of a fire in a municipality any magistrate, the secretary of the committee, any member of committee, any member of a fire-brigade, maintained by the committee then and there directing the operations of men belonging to the brigade, and 1[* * *] any police officer 2[not below the rank of Sub-Inspector], may—

- (a) remove or order the removal of any person who by his presence interferes with or impedes the operation for extinguishing the fire or for saving life or property;
- (b) close any street or passage in or near which any fire is burning;
- (c) for the purpose of extinguishing the fire break into or through or pull down or cause to be broken into or through or pulled down, or used for the passage of houses or other appliances, any premises;
- (d) cause mains and pipes to be shut off so as to give greater pressure of water in or near the place where the fire has occurred;
- (e) call on the persons in charge of any fire engine to render such assistance as may be possible; and
- (f) generally, take such measures as may appear necessary for the preservation of life or property.

When any Government building is endangered by such a fire the officer of the Public Works Department for the time being in charge of the building may exercise the powers conferred on a magistrate by this sub-section.

(2) No person shall be liable to pay damages for any act done by him under sub-section (1) in good faith.

(3) Any damage done in the exercise of a power conferred or a duty imposed by this section shall be deemed to be damaged by fire within the meaning of any policy of insurance against fire.

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95. The powers conferred by the last foregoing section shall be subject to any regulations, conditions or restrictions which may be imposed by rule.

¹The brackets and words "(if directed so to do by a Magistrate or the Secretary or a member of committee)" were omitted by Act, XV of 1926, section 4.

²Substituted for the words "above the rank of constable" by Act, XV of 1926, section 4.

CHAPTER VIII.

WATER-SUPPLY.

¹[96. (1) The committee may, and when the ²(Provincial Government) so directs shall, provide the area under its control or any part thereof with a supply of wholesome water sufficient for public and domestic purposes. Provision of water.

(2) For the purposes of providing such supply within the municipality the committee shall cause such tanks, reservoirs, engines, pipes, taps, and other works as may be necessary to be constructed or maintained, whether within or without the municipality; and shall erect sufficient stand pipes or other conveniences for the gratuitous supply of water to the public.

(3) When required by the Medical Officer of Health, the committee shall arrange for the examination of water supplied for human consumption for the purpose of determining whether the water is wholesome.]

97. (1) The committee may, on application by the owner of any building, arrange for supplying water from the nearest main to the same for domestic purposes in such quantities as it deems reasonable, and may at any time limit the amount of water to be so supplied whenever it considers it necessary. Supply of water to connected premises.

(2) No additional charge shall be payable in respect of such supply, in any municipality in which a water tax is levied, but for water supplied in excess of the quantity to which such supply is under sub-section (1) limited, and in other municipalities for all water supplied under this section payment shall be made at such rate as may be fixed by the committee with the approval of the ²[Provincial Government].

Explanations.—A supply of water for domestic purpose shall not be deemed to include a supply—

(a) for animals or for washing vehicles where such animals or vehicles are kept for sale or hire.

(b) for any trade, manufacture or business,

(c) for fountains, swimming baths, or for any ornamental or mechanical purpose.

¹Substituted by section 25 of Punjab Act, II of 1923.

²Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

- (d) for gardens or for purposes of irrigation,
- (e) for watering roads and paths,
- (f) for building purposes.

98. (1) The committee may supply water for any purpose other than a domestic purpose, on receiving a written application specifying the purpose for which such supply is required and the quantity likely to be consumed.

1[(2) For all water supplied under sub-section (1) payment shall be made at a rate not less than the rate prescribed under sub-section (2) of section 97.]

(3) The committee may withdraw such supply at any time if it should appear necessary to do so in order to maintain a sufficient supply of water for domestic purposes.

99. (1) Where an application under section 97 or section 98 has been received, all necessary communication-pipes and fittings shall be supplied by the committee and the work of laying and applying such communication-pipes and fittings shall be executed by municipal agency under the committee's orders; but the cost of making any such connection and of all communication-pipes and fittings so supplied and of all work so executed, shall be paid by the owner or the person making such application. The committee may either provide a meter and charge rent for the same or may require the owner or applicant to provide a meter of such size, material and description as it shall approve.

(2) Notwithstanding anything in sub-section (1) the committee may require any owner or person applying for a supply of water to provide all communication-pipes and fittings and to carry out at his own cost under its supervision and inspection all the work of laying and applying such communication-pipes and fittings.

100. Any owner or occupier of any building or land, in or on which water supplied under this Act is misused from negligence or other circumstances under his control, or used without permission in excess of the quantity fixed under section 97 or section 98, or in which the pipes, mains or other works are out of repair to such an extent as to cause waste of water, shall, if he has knowledge thereof, be bound to give notice of the same to such officer as the committee may appoint in this behalf.

101. If any person whose premises are supplied with water, neglects to pay the water-tax, or any sum payable under section 97 or section 98 when due, or to give notice as provided in the last preceding section, or wilfully or negligently misuses or causes waste of water, the committee may cut off the supply of water from the said premises. Cutting off of supply to premises.

102. For the purpose of providing or maintaining the water-supply or of making or maintaining communications or connections with the mains, or generally for the purposes of this chapter, the committee shall have all powers which are conferred upon it in respect of drainage and the supply of gas by sections 132 to 140. Powers of the committee in respect of communications, etc.

103. (1) Whenever it appears to the committee or to the ¹[Provincial Government] to be desirable to require the owners of buildings or lands situate within the limits of the whole or any part of the municipalities of Simla, Dharmasala, Dalhousie and Muree to make suitable provision for the storage and conservation of rain-water for use in flushing drains and for any purposes other than for the purpose of being used as drinking water, such committee, if so required by the ¹[Provincial Government], shall, and, in any other case, may, with the previous sanction of the ¹[Provincial Government], by public notice direct accordingly. Power to require owners of buildings to provide storage reservoir for rain-water on their premises.

(2) Every notice given under sub-section (1) shall state—

(a) the extent of the local area within the limits of which the owners of buildings and lands are to make suitable provision for the storage of rain-water ;

(b) the manner in which the cubic capacity of the storage accommodation to be provided by such owners is to be fixed, that is, whether the extent of such capacity is to be regulated by reference to the area of the land, the size of the building, the number of occupants, or the estimated rental value thereof or by any two or more of these methods ;

(c) the design, materials, situation and construction of the reservoirs or other storage accommodation to be provided :

¹Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

- (d) the mode of collecting, storing, preserving from pollution and in a pure state and using the rain-water to be collected and stored ; and
- (c) the time within which the requirements of the notice are to be complied with.

104. The committee may and, if so required by the ^{is ion} ^{pec-} ^{works.} ¹[Provincial Government], shall, make provision for the supervision of the construction, and for the inspection, of the storage reservoirs and all other works in any manner relating thereto or connected therewith, and may do all acts and things which may from time to time be necessary for the purpose of ensuring—

- (a) that the storage reservoirs and other works, as aforesaid, are constructed and carried out, as the case may be, in accordance with the requirements of the notice given under the preceding section ; and
- (b) that all such reservoirs and other works are of sufficient strength and durability and may cause any such reservoirs or other works as do not comply with the requirements of the notice or are unsuitable or insecure, to be removed and reconstructed or replaced to the satisfaction of the committee.

105. The committee may, by notice, require the owner or occupier of any building or land in respect of which a reservoir for the storage and conservation of rain-water has been provided under section 103 to repair, alter or put in good condition the said reservoir.

CHAPTER IX.

POWERS FOR SANITARY AND OTHER PURPOSES.

Bathing and washing places.

106. (1) The committee may set apart suitable places for the purposes of bathing and may specify the times at which, and the sex of the persons by whom, such places may be used, and may also set apart suitable places for washing animals or clothes, or for any other purpose connected with the health, cleanliness or comfort of the inhabitants ; and

¹Substituted for the words "Local Government" by the Government of India. (Adaptation of Indian Laws) Order, 1937.

may, by public notice, prohibit bathing, or washing animals or clothes, in any public place not so set apart, or at times or by persons other than those specified, and any other act by which water in public places may be rendered foul or unfit for use, and may charge fees for the use of such places by any specified class or classes of persons or by the public generally.

(2) The committee may fix, by notice, places at which articles of clothing, bedding, or other articles which have been exposed to infection shall be washed, and, no person shall wash any such article at any place not so fixed.

Burial and burning places.

107. ¹[(1) The Committee may by public notice order and, if so directed by the ²(Provincial Government) shall within one month of the notification of such direction be deemed to have ordered, any burial or burning ground situate within municipal limits or within one mile thereof which is certified by the Medical Officer of Health to be dangerous to the health of persons living in the neighbourhood to be closed, from a date to be specified in the notice, and shall in such case, if no suitable place for burial or burning exists within a reasonable distance, provide a fitting place for the purpose.] Powers in respect of burial and burning places.

(2) Private burial-places in such burial-grounds may be expected from the notice, subject to such conditions as the committee may impose in this behalf :

Provided that the limits of such burial-places are sufficiently defined, and that they shall only be used for the burial of members of the family of the owners thereof.

³[(3) No burial or burning ground, whether public or private, shall be made or formed after the commencement of this Act, except with the sanction in writing of the committee which shall not be granted unless the Medical Officer of Health has certified in writing for the information of the committee that such burial or burning ground is not prejudicial to public health :

Provided that no such burial or burning ground shall be made or formed, except with the sanction of the ¹(Provincial Government.)]

¹Substituted by Punjab Act, III of 1933, section 53 (i).

²Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

³Substituted by Punjab Act, III of 1933, section 35 (ii).

(4) Should any person, without the permission of the committee, bury or burn, or cause or permit to be buried or burnt, any corpse at any place which is not a burial or burning-ground or in any burial or burning-ground made or formed contrary to the provisions of this section, or after the date fixed thereunder for closing the same, he shall be punishable with fine which may extend to fifty rupees.

108. (1) The committee may, by public notice, prescribe routes for the removal of corpses to burial or burning places.

(2) Whoever carries a corpse along a route prohibited by the committee, or in a manner likely to cause annoyance to the public, shall be punishable with fine which may extend to ten rupees.

Dangerous animals.

109. (1) The committee may—

(a) authorize any person—

(i) to destroy, or cause to be destroyed, or confine, or cause to be confined for such period as the committee may direct, any dog or other animal suffering, or reasonably suspected to be suffering from rabies, or bitten by any dog or other animal suffering or suspected as aforesaid ;

(ii) to confine, or cause to be confined, any dogs found wandering about streets or public places without collars or other marks distinguishing them as private property and charge a fee for such detention and destroy or otherwise dispose of any such dog if it is not claimed within one week, and the fee paid ;

(b) issue a temporary or standing order that any dog without collars or other marks distinguishing them as private property found straying on the streets or beyond the enclosures of the houses of the owners of such dogs may be destroyed and destroy or cause them to be destroyed accordingly. Public notice shall be given of any such order.

(2) No damages shall be payable in respect of any dog or other animal destroyed or otherwise disposed of under this section.

110. Whoever, being the owner or person in charge of any dog, neglects to restrain it so that it shall not be at large in any street without a muzzle— Suffering dogs to be at large.

(a) if such dog is likely to annoy or intimidate passengers, or

(b) if the committee has by public notice during the prevalence of rabies directed that dogs shall not be at large without muzzles,

shall be punishable with fine which may extend to twenty rupees.

111. Whoever, being in charge of any elephant, camel or bear, omits on being requested to do so to remove as far as may be practicable his elephant, camel or bear to a safe distance on the approach of a horse, whether ridden or driven, shall be punishable with fine which may extend to twenty rupees. Control of elephants or camels.

112. Whoever, contrary to any orders of the committee, takes an elephant along a street, shall be punishable with fine which may extend to twenty rupees. Taking elephants along public roads.

Dangerous or insanitary buildings or places.

113. Should any building, or any well, tank, reservoir, pool, depression or excavation be, for want of sufficient repair, protection or enclosure, dangerous to the persons dwelling or working therein or in the neighbourhood or to persons passing by, the committee may, by notice, require the owner or occupier thereof to repair, protect or enclose the same; and, should it appear to it to be necessary in order to prevent imminent danger, it shall forthwith take such steps to avert the danger as may be necessary. Power to require buildings, wells, tanks, etc., to be secured.

114. Should any building, wall or structure, or anything affixed thereto, or any bank or tree, be deemed by the committee to be in a ruinous state or in any way Building, etc., in dangerous state.

¹Section 113 has been amended in the case of those municipalities to which the Municipal (Executive Officer) Act, 1931, applies,—*vide* item No. 10 of the Schedule II, Punjab Act II of 1931, *infra*.

²Substituted by Punjab Act, III of 1933, section 36. Section 114 has been amended in the case of municipalities to which the Municipal (Executive Officer) Act, 1931, applies,—*vide* item No. 11 of Schedule II, Punjab Act, II of 1931, *infra*.

dangerous, or there be any fallen building or *debris* or other material which is unsightly or is likely to be in any way injurious to health, it may, by notice, require the owner thereof either to remove the same or to cause such repairs to be made to the building, wall, structure or bank, as the committee may consider necessary for the public safety, and should it appear to be necessary in order to prevent imminent danger, the committee shall forthwith take such steps, at the expense of the owner, to avert the danger as may be necessary.]

115. Should the owner, ¹[part-owner] or occupier of any building or land suffer the same to be in a filthy or unwholesome state, the committee may, by notice, require him within twenty-four hours to cleanse the same or otherwise put it in a proper state and thereafter to keep it in a clean and proper state and if it appear to be necessary for sanitary purposes to do so, may at any time by notice, direct the occupier of any building to lime wash or otherwise cleanse the said building inside and outside in the manner and within a period to be specified in the notice.

²[**115-A.** The committee may by notice require the owner or occupier of any land on which cattle or other animals are habitually tethered to have the same properly paved or drained or both.]

³[**116.** Should any building, or any part of any building, appear to the committee to be unfit for human habitation in consequence of the want of proper means of drainage or ventilation or any sufficient reason, the committee may, by notice, prohibit the owner or occupier thereof from using the same for human habitation, or suffering it to be so used, until it has been rendered fit for such use to the satisfaction of the committee, and no such owner or occupier shall inhabit such building or suffer it to be inhabited until the committee shall have informed in writing the owner or occupier that the prohibition has been withdrawn.]

117. The committee may, by notice, require the owner or occupier of any land to clear away and remove any thick vegetation or undergrowth which may appear to the committee to be injurious to health or offensive to the neighbourhood.

¹Inserted by section 27 of Punjab Act, II of 1923.

²Added by section 28 of Punjab Act, II of 1923.

³Substituted by Punjab Act, III of 1933, section 37.

118. The committee may, by notice, require the owner or occupier of any land to cut or trim within three days the hedges growing thereon and bordering on any street, or any branches of trees growing thereon which overhang any street and obstruct the same or cause danger, or which so overhang any well, tank or other source from which water is derived for public use as to be likely to pollute the water thereof, ^{Power to require hedges and trees to be trimmed.} [or are in any way offensive or injurious to health].

119. The committee may, by notice, require the owner or part-owner, or person claiming to be the owner or part-owner, of any building or land which, by reason of abandonment or disputed ownership or other cause, has remained untenanted and became a resort of idle and disorderly persons or otherwise a nuisance to secure or enclose the same within a reasonable time fixed in the notice. ^{Power to require untenanted buildings becoming a nuisance to be secured or enclosed.}

²[120. (1) If the Medical Officer of Health certifies that the cultivation of any description of crop or the use of any kind of manure or the irrigation of land in any specified manner,— ^{Prohibition of cultivation, use of manure, or irrigation injurious to health.}

(a) in any place within the limits of any municipality, is injurious or facilitates practices which are injurious to the health of persons dwelling in the neighbourhood ; or

(b) in any place within or beyond the limits of any municipality is likely to contaminate the water-supply of such municipality or otherwise render it unfit for drinking purposes ;

the committee may prohibit the cultivation of such crop, the use of such manure or the employment of the method of irrigation so reported to be injurious, or impose such conditions with respect thereto as may prevent such injury or contamination :

Provided that if it is notified by the ³(Provincial Government) that the cultivation of such crop, the use of such manure or the employment of such method of irrigation is prohibited or conditions are imposed with respect thereto, the committee shall be deemed to have ordered such prohibition, or imposed such conditions, and shall issue notices in accordance with the notification :

¹Inserted by Punjab Act, III of 1933, section 38.

²Substituted by Punjab Act, III of 1933, section 39.

³Substituted for the words 'Local Government' by the Government of India (Adaptation of Indian Laws) Order, 1937.

Provided also that, when on any land to which such prohibition applies the act prohibited has been practised during the five years next preceding the prohibition in the ordinary course of husbandry, compensation shall be paid from the municipal fund to all persons interested therein for any damage caused to them by the effect of such prohibition.

(2) Should any person fail within six months from the date of its service to comply with a prohibitory notice issued under sub-section (1), he shall be punishable with fine which may extend to fifty rupees and with a further fine which may extend to five rupees for every day during which the offence is continued.]

Dangerous or offensive trades.

121. (1) No place within a municipality shall be used for any of the following purposes :—

melting tallow, ¹[dressing raw hides], boiling bones, offal or blood ;

as a soap house, oil boiling house, dyeing house or tannery ;

as a brick-field, brick-kiln, ²[charcoal-kiln], pottery or lime kiln ;

as any other manufactory, engine-house, ³[store-house] or place of business from which offensive or unwholesome smells, ³[gases], noises or smoke arise ;

as a yard or dépôt for trade in ³[unslaked lime], hay, straw, thatching-grass, wood, charcoal or coal, or other dangerously inflammable material ;

as a store-house for any explosive, or for petroleum or any inflammable oil or spirit ;

except under a licence from the committee which shall be renewable annually :

¹Inserted by section 30 of Punjab Act, II of 1923.

²Inserted by Punjab Act, III of 1933, section 40.

³Inserted by section 30 of Punjab Act, II of 1923.

891) Provided that no such licence shall be necessary in the case of any such premises which were used for any such purposes at the time that the Punjab Municipal Act, 1891, came into force, and were registered under that Act and in the case of brickfields, which were used at the time that this Act came into force ; but the owner or occupier of the brickfields so excepted shall register the same in a book to be kept by the committee for the purpose.

(2) The license shall not be withheld unless the committee consider that the business which it is intended to establish or maintain would be the cause of annoyance, offence or danger to persons residing in, or frequenting, the immediate neighbourhood, or that the area should be for general reasons kept clear of the establishment of such business.

(3) The committee may charge any fee: according to a scale to be approved by the Commissioner for such licenses, and may impose such conditions in respect thereof as it may think necessary. Among other conditions it may prescribe that any furnace used in connection with such trade shall, so far as practicable, consume its own smoke.

(4) The owner or occupier of any place registered under sub-section (1) may apply to have that place licensed under this section. When any such place has been licensed, the registration of that place shall thereby be cancelled, and shall not be renewed.

(5) Whoever, without registration or without a license uses any place for any such purpose as is specified in this section or in contravention of the condition of any such license, shall be punishable with fine which may extend to fifty rupees, and with a further fine not exceeding ten rupees for every day during which the offence is continued.

¹[121-A. (1) Within any municipality to which this section shall have been extended by the ²[Provincial Government) no person shall use as a factory any place which has not previously been so used without having obtained the consent of the committee.

Consent of committee to use of new factories.

(2) The consent of the committee may be given without condition or subject to the condition that the owner or user

¹Added by section 31 of Punjab Act, II of 1923.

²Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

of the said factory shall provide adequate housing accommodation for la bourers employed in the factory or for any proportion or class of such labourers :

Provided that the consent of the committee shall not be withheld for any reason except the refusal of such owner or user to comply with such condition :

Provided further that if the committee neglect or omit to give their consent within a period of two months from the date of application, such consent shall be deemed to have been given without condition.]

122. (1) No exhibition of pictures or other optical effects by means of a cinematograph or other similar apparatus for the purpose of which inflammable films are used, and no public dramatic ¹[or circus] performance or pantomime, shall be given in any municipality elsewhere than in premises for which a license has been granted by the committee under this section.

(2) If the owner of a cinematograph or other apparatus uses the apparatus or allows it to be used, or if any person takes part in any public dramatic ¹[or circus] performance or pantomime, or if the occupier of any premises allows those premises to be used, in contravention of the provisions of this section, or of any condition of a license granted under this section, he shall be liable to a fine not exceeding two hundred rupees and in the case of a continuing offence, to a further penalty of fifty rupees for each day during which the offence continues, and the license if any shall be liable to be revoked by the committee.

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123. ²[(1) Whenever it appears that any place registered or licensed under the preceding sections is a nuisance to the neighbourhood or likely to be dangerous to life, health or property, the committee may, and if so required by the ³(Provincial Government) shall, by notice require the occupier thereof to discontinue the use of such place, or to effect such alterations, additions or improvements as will, in the opinion of the committee, render it no longer a nuisance or dangerous.]

¹Inserted by section 32 of Punjab Act, II of 1923.

²Substituted by Punjab Act, III of 1933, section 41.

³Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

(2) Whoever, after any notice has been given under this section, uses such place or permits to be used in such a manner as to be a nuisance to the neighbourhood or dangerous, or does not effect such alterations, additions or improvements, shall be punishable with fine which may extend to two hundred rupees, and with a further fine not exceeding fifty rupees for every day during which the offence is continued.

124. ¹[(1) No person shall use or employ in any factory or other place any whistle or trumpet, or any other mechanical contrivance which emits an offensive noise for the purpose of summoning or dismissing workmen or persons employed, nor shall any person by means of any contrivance increase the noise emitted in any such factory or place by the exhaust pipe of any engine, without the written permission of the committee, in granting which, the committee may impose such conditions as it may deem proper, restricting the times at which such whistle or trumpet, or other contrivance may be used.] Use of steam whistles, etc.

(2) The committee may on giving one month's notice revoke any permission given under sub-section (1).

(3) Whoever in contravention of the provisions of this section, uses or employs ²[any whistle, trumpet or other contrivance], shall be punishable with a fine which may extend to fifty rupees, and with a further fine which may extend to five rupees for every day during which the offence is continued.

Drains and privies.

125. (1) The committee may, by notice, require the owner of any building or land to provide, move or remove any drain, privy, latrine, urinal, cesspool or other receptacle for filth or refuse, or, provide any additional drains, privies, latrines, urinals, cesspools or other receptacles as aforesaid which should in its opinion be provided for the building or land, in such manner and of such pattern as the committee may direct. Provision of drains, privies, etc.

(2) The committee may, by notice, require any person employing more than twenty workmen or labourers to provide such latrines and urinals as it may think fit and to cause the same to be kept in proper order and to be daily cleaned :

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¹Substituted by Punjab Act, III of 1933, section 42.

²Substituted for the words "any steam whistle or steam trumpet" by Punjab Act, III of 1933, section 42.

³Proviso to sub-section (2) was omitted by Punjab Act, III of 1933, section 43.

(3) The committee may, by notice, require the owner or occupier of any building or land to have any privy, latrine or urinal provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood, or to remove or alter, as the committee may direct, any door or trapdoor of a privy, latrine or urinal opening on to any street or drain.

¹[(4) The committee may, and when required by the ²(Provincial Government) shall, provide latrines and urinals for the use of the public)].

126. (1) The committee may, by notice, require the owner or occupier of any building or land to repair, alter or put in good order any drain, privy, latrine, urinal, cesspool or receptacle for any filth or refuse, or to close any drain, privy, latrine, urinal or cesspool belonging thereto.

(2) The committee may, by notice, require any person who may construct any new drain, privy, latrine, urinal, cesspool or receptacle for filth or refuse without its permission in writing or contrary to its directions or regulations or the provisions of this Act, or who may construct, rebuild or open any drain, privy, latrine, urinal, cesspool or receptacle for filth or refuse which it has ordered to be demolished or stopped up or not to be made, to demolish the drain, privy, latrine, urinal, cesspool or receptacle, or to make such alteration therein as it may think fit.

127. The committee may, by notice, require any person who without its permission in writing may newly erect or rebuild any building over any sewer, drain, culvert, water course or water-pipe vested in the committee to put down or otherwise deal with the same as it may think fit.

128. (1) The committee may, by notice, require any owner or occupier on whose land any drain, privy, latrine, urinal, cesspool or other receptacle for filth or refuse for the time being exists within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, to remove or close the same within one week from the service of such notice.

(2) Whoever, without the permission of the committee, makes or keeps for a longer time than one week after notice under this section any drain, privy, latrine, urinal, cesspool

¹Inserted by Punjab Act, III of 1933, section 43.

²Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

or other receptacle for filth or refuse, within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, shall be punishable with fine which may extend to [fifty] rupees, and, when a notice has issued, with a further fine not exceeding five rupees for each day during which the offence is continued after the lapse of the period allowed for removal.

²[129. Whoever without the permission of the committee, causes or knowingly or negligently allows the contents of any sink, sewer or cesspool or any other offensive matter, to flow, drain or be put upon any street or public place, or into any irrigation channel or any sewer or drain not set apart for the purpose, shall be punishable with fine which may extend to twenty rupees.] Discharging sewerage.

130. Whoever, without the permission of the committee, makes or causes to be made, or alters or causes to be altered, any drain leading into any of the sewers or drains vested in the committee shall be punishable with fine which may extend to fifty rupees. Making or altering drains without authority.

131. The committee may, by notice, require the owner, or occupier of any land or building to cleanse, repair, cover, fill up or drain off any private well, tank, reservoir, pool, depression or excavation therein which may appear to the committee to be injurious to health or offensive to the neighbourhood : Power to require removal of nuisance arising from tanks and the like.

Provided that if for the purpose of effecting any drainage under this section it should be necessary to acquire any land not belonging to the same owner or to pay compensation to any person, the committee shall provide such land or pay such compensation.

Laying and connecting pipes, sewers and the like.

132. The committee may carry any cable, wire, pipe, drains, sewer or channel of any kind, for the purpose of establishing telephonic or other similar communication or of carrying out and establishing or maintaining any system of lighting, drainage or sewerage, through, across, under or over any road, street, or place laid out as or intended for a road or street, and, after giving reasonable notice in writing to the owner or occupier, into, through, across, under, over or up the side of any land or building whatsoever situate within the Power of committee to lay or carry wires, pipes, drains or sewers through private land, subject to payment of compensation for damage sustained, provided that no nuisance is created.

¹Substituted for the word "twenty" by section 34 of Punjab Act, II of 1923.

²Substituted by Punjab Act, III of 1933, section 44.

limits of the municipality, and, for the purpose of the introduction, distribution of outfall of water or for the removal or outfall of sewerage without such limits, and may at all times do all acts and things which may be necessary or expedient for repairing or maintaining any such cable, wire, pipe, drain, sewer or channel, as the case may be, in an effective state for the purpose for which the same may be used or intended to be used :

Provided that no nuisance more than is necessarily caused by the proper execution of the work is created by any such operation ; and

Provided, further, that reasonable compensation shall be paid to the owner or occupier for any damage at the time sustained by him and directly occasioned by the carrying out of any such operations.

133. In the event of any cable, wire, pipe, drain, sewer or channel being laid or carried above the surface of any land or through, over or up the side of any building, such cable, wire, pipe, drain, sewer or channel, as the case may be, shall be so laid or carried as to interfere as little as possible with the rights of the owner or occupier to the due enjoyment of such land or building, and reasonable compensation shall be paid in respect of any substantial interference with any such right to such enjoyment.

134. Except in cases to which sections 203 and 205 (c) relate the committee shall cause not less than fourteen days' notice in writing to be given to the owner or occupier before commencing any operations under section 132.

135. (1) No person shall, without the permission of the committee, at any time, make, or cause to be made, any connection or communication with any cable, wire, pipe, ¹[ferrule], drains, sewer or channel constructed or maintained by or vested in the committee, for any purpose whatsoever.

¹[(2) Any person acting in contravention of the terms of sub-section (1) shall be punishable with a fine not exceeding fifty rupees.]

136. * * * * The committee may, at any time, establish any connection or communication from any water-main, drain or sewer to any premises, or may, by notice,

¹Inserted by section 35 of Punjab Act, II of 1923.

²The words "In municipalities in which the provisions of this section may, at any time, by notification, be extended by the Local Government" omitted by section 36 of Punjab Act, II of 1923.

require the owner of any such premises to establish any such connection or communication, in such manner and within such time as the committee, by notice in that behalf, may prescribe, at the cost of such owner or occupier.

137. The committee may prescribe the size of the ferrules to be used for the supply of gas, and may establish meters or other appliances for the purpose of testing the quantity or quality of any gas or electricity supplied to the premises of any person or to or for the use of any person or business.

Power to prescribe size of ferrule and to establish meters and the like.

138. The ferrules, communication pipes, connections, meters, stand-pipes and all fittings thereon or connected therewith, leading from mains or service cables, wires, pipes, drains, sewers or channels into any house or land and the wires, pipes, fittings and works inside any such house or within the limits of any such land, shall in all cases be executed subject to the inspection and to the satisfaction of the committee.

Communications and connections to be made subject to inspection by and to the satisfaction of committee.

139. The committee may, from time to time, fix the charges to be made for the establishment by them or through their agency of communications from and connections with mains or service cables, wires and pipes for the supply of lighting, telephonage or gas, and for meters or other appliances for testing the quantity or quality thereof supplied, and may levy such charges accordingly.

Rates and charges may be fixed.

140. ¹[(1) The committee may, by notice, require the owner of any building or land in any street to put up and keep in good condition proper troughs and pipes for receiving and carrying water and sullage from the building or land and for discharging the same so as not to inconvenience persons passing along the street.]

Troughs and pipes for rain water.

(2) For the purpose of efficiently draining any building or land the committee may by notice in writing—

(a) require any courtyard, alley or passage between two or more buildings to be paved ²[by the owner or part-owner of such buildings] with such materials and in such manner as may be approved by ³[the committee], and

(b) require such paving to be kept in proper repair.

¹Substituted by Punjab Act, III of 1933, section 45.

²Inserted by section 37 of Punjab Act, II of 1923.

³Substituted for the word "them" by section 37 of Punjab Act, II of 1923.

*Public Health.***141.** Whoever,—

- (a) being a medical practitioner or a person openly and constantly practising the medical profession, and in the course of such practice becoming cognizant of the existence of any infectious disease in any dwelling other than a public hospital ; or, in default of such medical practitioner or person practising the medical profession,
- (b) being the owner or occupier of such dwelling, and being cognizant of the existence of any such disease therein ; or, in default of such owner or occupier,
- (c) being the person in charge of, or in attendance on, any person suffering from any such disease in such dwelling, and being cognizant of the existence of the disease therein,

if fails forthwith to give information, or knowingly gives false information to the Medical Officer of Health or to any other officer to whom the committee may require information to be given respecting the existence of such disease, shall be punishable with fine which may extend to fifty rupees.]

Provided that a person, not required to give information in the first instance, but only in default of some other person, shall not be punishable if it be shown that he had reasonable cause to suppose that the information had been, or would be, duly given.

142. ²[(1) In any municipality to which this section may at any time be extended by the ³(Provincial Government), when any person suffering from any infectious disease is found to be—

- (a) without proper lodging or accommodation, or
- (b) living in a serai ²[hotel, boarding house] or other public hostel, or

¹Substituted by Punjab Act, III of 1933, section 46.

²Renumbered as sub-section (1) of section 142 by Punjab Act, III of 1933, section 47 (1).

³Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

⁴Inscribed by Punjab Act, III of 1933, section 47 (1) (i).

¹[(c) living in a room or house which he neither owns nor pays rent for, nor occupies as the guest or relative of any person who owns or pays rent for it, or]

(d) lodged in premises occupied by members of two or more families and any of such occupiers objects to his continuing to lodge in such premises,

the committee, by any person authorized by it in this behalf, may, on the advice of any medical officer of rank not inferior to that of an assistant surgeon, remove the patient to any hospital or place at which persons suffering from such disease are received for medical treatment, and may do anything necessary for such removal.

²[(2) The Committee shall, if required by the ³(Provincial Government) erect an infectious diseases hospital of such type and dimensions as the ³(Provincial Government) shall deem expedient.]

⁴[143. If the Committee is of opinion that the cleansing or disinfecting of a building or any part thereof, or of any article therein, which is likely to retain infection, will tend to prevent or check the spread of any disease, it may, by notice, require the owner or occupier to cleanse or disinfect the same, or to destroy such article, in the manner and within the time prescribed in such notice.]

Disinfection
of buildings
and articles.

144. Every person knowingly letting a house or other building or part of a house or building in which any person has been suffering from an infectious disease, without having such house or other building or part thereof and all articles therein liable to retain infection disinfected to the satisfaction of the committee, shall be liable to a penalty not exceeding two hundred rupees.

Penalty for
letting
infected
houses.

For the purpose of this section a hotel or lodging-house keeper shall be deemed to let part of his house to any person admitted as a guest into his hotel or lodging-house.

¹Substituted by Punjab Act, III of 1933, section 47 (1) (ii).

²Added by Punjab Act, III of 1933, section 47 (2).

³Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

⁴Substituted by Punjab Act III of 1933, section 48.

145. ¹[The committee may, and when the ²(Provincial Government) so directs, shall]—

- (a) provide proper places, with all necessary attendants and apparatus, for the disinfection of conveyances, clothing, bedding or other articles which have been exposed to infection, and
- (b) cause conveyances, clothing or other articles brought for disinfection to be disinfected free of charge or subject to such charges as may be approved by it, and
- (c) direct any clothing, bedding, or other articles likely to retain infection to be disinfected or destroyed, and shall give compensation for any article destroyed under this sub-section.

146. Whoever, while suffering from an infectious, contagious, or loathsome disorder,—

- (a) makes or offers for sale any article of food or drink for human consumption or any medicine or drug, or
- (b) wilfully touches any such article, medicine or drug, when exposed for sale by others, or
- (c) takes any part in the business of washing or carrying soiled clothes,

shall be punishable with fine which may extend to twenty rupees.

³[**147.** Whoever keeps any swine or other animals in disregard of any orders which the committee may give to prevent them from becoming a nuisance, or so as to be injurious to the health of the inhabitants or of animals shall be punishable with fine which may extend to twenty rupees, and to fifty rupees for every such subsequent offence.]

148. Whoever feeds or allows to be fed any animal which is kept for dairy purposes or may be used for food on deleterious substances, filth, or refuse of any kind, shall be punishable with fine which may extend to fifty rupees.

¹Substituted for the words "In any municipality to which this section may be extended by the Local Government, the committee may" by section 39 of Punjab Act, II of 1923.

²Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

³Substituted by Punjab Act, III of 1933, section 49.

149. Should the committee, on the report of the ^{Prohibition by committee of use of un-wholesome water.} [medical officer of health], consider that the water in any well, tank or other place is likely, if used for drinking, to engender or cause the spread of any dangerous disease, it may—

- (a) by public notice prohibit the removal or use of such water for drinking ;
- (b) by notice require the owner or person having control of such well, tank or place to take such steps as may be specified in the notice to prevent the public from having access to or using such water ; or
- (c) take such steps as it may, on the advice of the [medical officer of health] consider expedient to prevent the danger or spread of any such disease.

150. (1) Whoever sells, to the prejudice of any purchaser, any article of food or drink which is not of the nature, substance or quality of the article demanded by such purchaser, shall be punishable with fine which may extend to one hundred rupees : ^{Penalty for selling food or drink not of the nature, substance or quality of the article, demanded by the purchaser.}

Provided that an offence shall not be deemed to be committed under this section in the following cases, that is to say—

- (a) where any matter or ingredient not injurious to health has been added to food or drink in order to the production or preparation of the same as an article of commerce in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight or measure or conceal the inferior quality thereof ;
- (b) where food or drink is unavoidably mixed with some extraneous matter in the process of collection or preparation.

(2) In any prosecution under this section it shall be no defence to allege that the vendor was ignorant of the nature, substance or quality of the article sold by him, or that the purchaser, having bought such article only for analysis, was not prejudiced by the sale :

¹Substituted for the words " civil surgeon or health officers " by section 40 of Punjab Act, II of 1923.

¹[Provided that this section shall not apply to those areas to which the ²(Provincial Government) has directed or may direct that the ³(Punjab Pure Food Act, 1929) shall apply].

⁴[151. (1) Whoever, in any street or public place within the municipality, begs importunately for alms, or exposes, or exhibits, with the object of exciting charity, any deformity, or disease, or any offensive sore or wound, shall be punishable with imprisonment of either description, which may extend to three months, or with a fine not exceeding fifty rupees, or with both, provided that—

(a) in the case of a first offence, the Court may, if it thinks fit, instead of sentencing the convict to any punishment, release him after due admonition ;

(b) in any case, the Court may, if it is satisfied of the inability of the convict to earn a livelihood, owing to physical infirmity or debility, and if the person in charge of any poor house in the municipality certifies that he is willing to receive him, direct that the convict be received into such poor house, after being released on entering into a bond, with or without sureties, to appear and receive sentence, when called upon during such period, not exceeding three years, as the Court may direct.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence punishable under this section shall be cognizable; and notwithstanding anything contained in this Act, a Court may take cognizance of such an offence in the manner provided by section 190 of the Code of Criminal Procedure, 1898.]

⁵[152. (1) The committee may, by public notice, prohibit in any specified part of the municipality—

(a) the keeping of a brothel ;

(b) the residence of any person who practises prostitution.

¹Added by section 41 of Punjab Act II of 1923.

²Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

³Substituted for the words "Punjab Adulteration of Food Act, 1919" by Punjab Act III of 1933, section 50.

⁴Substituted by Punjab Act III of 1933, section 51.

⁵Substituted by Punjab Act III of 1933, section 52.

(2) Whoever after the date specified in the public notice issued under sub-section (1)—

- (a) keeps or manages or acts or assists in the management of a brothel within the prohibited area, or
- (b) being the tenant, lessee or occupier of any premises knowingly permits such premises or any part thereof to be used as a brothel or for the purposes of habitual prostitution within the prohibited area, or
- (c) being the lessor or landlord, of any premises, or the agent to such lessor or landlord, lets the same or any part thereof, within the prohibited area with the knowledge that such premises or some part thereof, are, or is used as a brothel, or for the purposes of habitual prostitution, or is wilfully a party to the continued use of such premises as a brothel or for the purposes of habitual prostitution, or
- (d) being a practising prostitute resides within the prohibited area,

shall be punishable with imprisonment of either description, for a term which may extend to one month, or with fine which may extend to one hundred rupees or with both, and in the case of a continuing offence with an additional fine not exceeding ten rupees for every day after the first during which the offence continues.]

153. On the complaint of the committee or of three or more inhabitants of a municipality that a house within the limits of the municipality is used as a brothel, or by disorderly persons of any description, to the annoyance of the respectable inhabitants of the vicinity or that any such house is used as a brothel in the neighbourhood of a cantonment or of an educational institution or boarding house, or of any place of worship, any magistrate of the 1st class having as such jurisdiction in the place where the house is situated, may summon the owner or tenant of the house, and on being satisfied that the house is so used and that it is a source of annoyance or offence to the neighbours, or that it is in the neighbourhood of a cantonment or of an educational institution or boarding-house, or of any place of worship, may order the owner or tenant to discontinue such use of it ; and

if he shall fail to comply with such order within five days, may impose upon him a fine not exceeding twenty-five rupees for every day thereafter that the house shall be so used.

Scavenging and house-scavenging.

154. The committee may fix places within or with the approval of the District Magistrate, beyond the limits of the municipality for the deposit of refuse, rubbish or offensive matter of any kind or for the disposal of the dead bodies of animals, and may by public notice give directions as to the time, manner and conditions at, in and under which such refuse, rubbish or offensive matter or dead bodies of animals may be removed along any street and deposited at such places.

155. Whoever, being the owner or occupier of any building or land, keeps or knowingly or negligently allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle or pit, any dirt, dung, bones, ashes, night-soil or filth or any noxious or offensive matter in or upon such building or land, or suffers any such receptacle or pit to be in a filthy or noxious state, or neglects to employ proper means to cleanse and purify the same shall, be punishable with fine which may extend to fifty rupees.

[156. Whoever, without the permission of the committee or in disregard of its orders, throws or deposits, or permits his servants or members of his household under his control to throw or deposit earth or materials of any description, or refuse, rubbish or offensive matter of any kind upon any street or public place or into any irrigation channel or public sewer or public drain or into any drain communicating with an irrigation channel or a public sewer or public drain, shall be punishable with fine which may extend to twenty rupees.]

157. Whoever permits any person under his control to whom the provisions of sections 82, 83 and 84 of the Indian Penal Code are applicable to commit a nuisance upon any street or into any public sewer or drain or any drain communicating therewith, shall be punishable with fine which may extend to twenty rupees.

158. The removal of filth, rubbish, ordure or other offensive matter from a privy, latrine, urinal, cesspool or

¹Substituted by Punjab Act, III of 1933, section 53.

other common receptacle for such matter in or pertaining to a house or building is called house-scavenging.

159. (1) Subject to the provisions hereinafter contained with respect to the customary rights of sweepers, the committee may at any time undertake the house-scavenging of any house or building on the application or with the consent of the occupier. Undertaking by committee of house-scavenging generally.

[(2) The committee may by public notice, except in cases to which section 166 is applicable, undertake the house-scavenging of any houses or buildings in the municipality from any date not less than two months after issue of the notice.]

(3) The occupier of any house or building affected by the notice may at any time, after the issue thereof, apply to the committee to exclude that house or building from the notice.

(4) The committee shall consider and pass orders upon every such application within six weeks of the receipt thereof and may, by any such order, exclude such house or building from the notice.

(5) In deciding whether to exclude any house or building from the notice, the committee shall consider, among other matters, the efficiency of the arrangements for house-scavenging made by the occupier (if any) and the purpose to which he applies the matter dealt with in house-scavenging.

160. Notwithstanding anything in the last foregoing section, the committee shall not, except in accordance with the provisions of this chapter,— Saving in favour of customary sweepers and of agriculturists.

(a) undertake the house-scavenging of any house or building in respect whereof any sweeper has a customary right to do such house-scavenging ;

(b) without the consent of the occupier undertake the house-scavenging of any house or building occupied by an agriculturist who himself cultivates land within municipal limits or in a village conterminous therewith.

161. When once the committee has undertaken the house-scavenging of any house or building, under this chapter, it may continue to perform such house-scavenging with or without the consent of the occupier for the time being of such house or building. Continuance of house-scavenging once undertaken by committee.

¹Substituted by Punjab Act, III of 1933, section 54.

162. When the committee has undertaken the house-scavenging of any house or building, it shall be bound to perform the same properly until it shall have relieved itself of the obligation by an order under section 159, sub-section (4).

163. The servants of the committee employed in house-scavenging may, at all reasonable times, do all things necessary for the proper performance of any house-scavenging undertaken by the committee.

164. All matter removed by the servants of the committee in the course of house-scavenging shall belong to the committee.

165. (1) Should a sweeper who has a customary right to do the house-scavenging of a house or building (hereinafter called the customary sweeper) fail to perform such house-scavenging in a proper way and at reasonable intervals, the occupier of the house or building or the committee may complain to a magistrate.

(2) The magistrate receiving such complaint shall hold an enquiry, and, should it appear to him that the customary sweeper has failed to perform the house-scavenging of the house or building in a proper way or at reasonable intervals, he may impose upon such sweeper a fine which may extend to ten rupees, and, upon a second or any later conviction, in regard to the same house or building, may also direct the right of the customary sweeper to do the house-scavenging of the house or building to be forfeited, and thereupon such right shall be forfeited accordingly.

[(3) Should any sweeper (other than a customary sweeper) who is under contract to do the house-scavenging of a house or building discontinue to do such house-scavenging without having given 14 days' notice to his employer or without reasonable cause, he shall on conviction be punishable with a fine which may extend to ten rupees.]

²[**166.** (1) Should any person, who himself or any member of whose family residing with him cultivates land within municipal limits or in a village within two miles from the municipal limits, fail to provide for the proper house-scavenging of any house or building occupied by him within the limits of the municipality, the committee may complain to a magistrate.

¹Added by section 43 of Punjab Act, II of 1923.

²Substituted by Punjab Act, III of 1933, section 55.

(2) The magistrate receiving the complaint shall hold an enquiry, and, should it appear to him that such person has not provided for the proper house-scavenging of the house or building, he may pass an order empowering the committee to undertake the same, and thereupon the committee shall be entitled to undertake such house-scavenging.]

Slaughter places.

167. ¹[(1) The committee may, and shall when so Places for slaughter of animals for sale. required by the ²(Provincial Government), fix premises, with the approval of the Deputy Commissioner either within or without the limits of the municipality, for the slaughter of animals for sale, or of any specified description of such animals, and may, with the like approval, grant and withdraw licences for the use of such premises, or, if they belong to the committee, charge rent or fees for the use of the same.]

(2) When such premises have been fixed by the committee beyond municipal limits, it shall have the same power to make by-laws for the inspection and proper regulation of the same as if they were within those limits.

(3) When any such premises have been fixed no person shall slaughter any such animal for sale within the municipality at any other place.

(4) Any person who slaughters for sale any animal at any place within a municipality other than one fixed by the committee under this section, if any places have been so fixed, shall be punishable with fine which may extend to twenty rupees.

168. (1) Whenever any animal in the charge of any Disposal of dead animals person dies otherwise than by slaughter, either for sale or for some religious purpose, the person in charge thereof shall within twenty-four hours either—

(a) convey the carcass to a place (if any) fixed by the committee under section 154 for the disposal of the dead bodies of animals or to any place at least one mile beyond the limits of the municipality ; or

(b) give notice of the death to the committee, whereupon the committee shall cause the carcass to be disposed of.

¹Substituted by Punjab Act, III of 1933, section 56.

²Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

(2) In respect of the disposal of the dead body of an animal under clause (b) of sub-section (1), the committee may charge such fee as the committee may, by public notice, have prescribed.

(3) For the purposes of this section the word "animal" shall be deemed to mean all horned cattle, elephants, camels, horses, ponies, asses, mules, deer, sheep, goats, swine and other large animals.

(4) Any person bound to act in accordance with sub-section (1) of this section shall, if he fails so to act, be punishable with fine which may extend to ten rupees.

Streets and buildings.

¹[169. The committee—

- (a) may lay out and make a new public street and construct tunnels and other works subsidiary thereto, and
- (b) may widen, lengthen, extend, enlarge, raise or lower the level of, or otherwise improve any existing public street vested in the committee, and
- (c) may close temporarily any public street or any part thereof for any public purpose, and
- (d) may turn, divert, discontinue or close any public street so vested, and
- (e) may provide within its discretion building sites of such dimensions as it deems fit, to abut on or adjoin any public street made, widened, lengthened, extended, enlarged, improved, or the level of which has been raised or lowered by the committee under clauses (a) and (b) or by the ²(Provincial Government), and
- (f) subject to the provisions of any rule prescribing the conditions on which property may be acquired by the committee, may acquire any land, along with the building thereon, which it deems necessary for the purpose of any scheme or work undertaken or projected in exercise of the powers conferred under the preceding clauses, and

¹Substituted by section 44 of Punjab Act, II of 1923.

²Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

¹[(g) subject to the provisions of any rule prescribing the conditions on which property vesting in the committee may be transferred, may lease, sell or otherwise dispose of any property acquired by the committee under clause (f); or any land vesting in and used by the committee for a public street and no longer required therefor, and in so doing may impose conditions regulating the removal and construction of buildings upon it and the other uses to which such land may be put :

Provided that land owned by proprietors other than the ²(Crown) shall become the absolute property of the committee after it has continuously vested in the committee for use as a public street for a period of twenty-five years ; but that the possession of such land that ceases to be required for use as a public street before the expiry of twenty-five years from the time that it became vested in the committee shall be transferred to the proprietor thereof, on payment by him of reasonable compensation to the committee for improvements of such land, and subject to such restrictions as the committee may impose on the future use of such land, and that should the proprietor be unable or unwilling to pay the amount of such compensation the committee may, subject to such conditions as it may deem fit sell the land, and shall pay to the owner the proceeds, if any, over and above the amount of such compensation, which shall be paid into the municipal fund, or may dispose of it in such manner as it may deem fit.]

* * * * *

³[170. (1) No person shall cut down any trees or cut off a branch of any tree, or erect or demolish any building or part of a building or alter or repair the outside of any building, where such action is of a nature to cause obstruction, danger or annoyance, or risk of obstruction, danger or annoyance to any person using a street, without the previous permission in writing of the committee.

Power to require protection of streets during cutting down of trees, erection or demolition buildings, &c.

¹Substituted by Punjab Act, III of 1933, section 57.

²Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

³Section 170 was omitted and section 170-A added by section 45 of Punjab Act, II of 1923, was re-numbered section 170 by Punjab Act, III of 1933, sections 58 and 59.

(2) The committee may at any time by notice require that any person doing or proposing to do any of the acts referred to in sub-section (1) shall refrain from beginning or continuing the act unless he puts up, maintains, and provides from sunset to sunrise with sufficient lighting such hoardings or screens as are specified or described in the notice and may further at any time by notice require the removal, within a time to be specified in the notice, of any hoarding or screen erected in anticipation or in pursuance of any of the said acts.

(3) Whoever contravenes the provisions of sub-section (1) or fails to comply with the terms of a notice under sub-section (2) shall be punishable with fine which may extend to fifty rupees and when the contravention or non-compliance is a continuing one with a further fine which may extend to five rupees for every day after the first during which the contravention or non-compliance continues.]

¹[170-A. (1) No person shall lay out or make or commence to lay out or make a street without the sanction of the committee ;

(2) Every person who intends to lay out or make a street shall give notice in writing to the committee of such intention ;

(3) Where a committee has issued an order under clause (b) of section ²(170-B) no notice under sub-section (2) shall be deemed to be valid until the particulars required under such order have been furnished to the satisfaction of the committee.]

¹[170-B. The committee may, within one month of the receipt of the notice required by sub-section (2) of section ³(170-A), issue—

(a) an order directing that for a period therein specified, which shall not be longer than one month from the date of such order, the intended work shall not be proceeded with, or

(b) an order requiring further particulars.]

¹Added by Punjab Act, II of 1923 and re-numbered by Punjab Act, III of 1933, section 60.

²Substituted for "170-C" by Punjab Act, I of 1934, section 6.

³Substituted for "170-B" by Punjab Act, I of 1934, section 7.

1911 : Pb. Act III.] PUNJAB MUNICIPALITIES.

[170-C.] Within two months after the receipt of the notice required by sub-section (2) of section 2(170-A) or the committee may refuse to sanction the proposed street, or may sanction it either absolutely or subject to such written directions as to level, metalling, paving, means of drainage, direction and width as the committee may deem fit to issue, and the person laying out or making such street shall comply with the sanction of the committee in every particular ;

Provided that should the committee neglect or omit for two months after the receipt of such notice, or if an order has been issued under clause (b) of section 2(170-B), fail within the period specified in such order, to make and deliver to the person who has given such notice an order of sanction or refusal in respect thereof, it shall be deemed to have sanctioned the proposed street absolutely.]

[170-D.] Every sanction for the laying out or making of a street which shall be given, or be deemed to have been given, by a committee, shall remain in force for one year only from the date of such sanction. Should the laying out or making of the street not have been commenced within the said period of one year, the sanction shall be deemed to have lapsed ; but such lapse shall not bar any subsequent application for fresh sanction under the foregoing provisions of this Act.

Explanation.—A street shall be deemed to be made or laid out when it is demarcated on the ground by permanent boundary-marks.]

[170-E.] Whoever begins, continues or completes the laying out or making of a street without giving the notice required by section 3(170-A) or in contravention of any written directions made under section 3(170-C), or of any by-law or provision of this Act, shall be liable to a fine which may extend to five hundred rupees.]

[170-F.] In any case where the committee considers that any land is being or has been laid out as a street without the notice required by section 170-A having been given

*Added by Punjab Act, II of 1923, and re-numbered by Punjab Act, III of 1933, section 60.

*Substituted for "170-B" and "170-C" by Punjab Act, I of 1934, section 8.

*Substituted for "170-B" and "170-D" by Punjab Act, I of 1934, section 9.

*Substituted for section 170-G by Punjab Act, III of 1933, section 61.

Sanction of Committee with regard to new street.

Power of sanction.

Notice owner land street

or in contravention of any written direction made by the committee under section ¹(170-C), or of any bye-law or provision of this Act, the committee may, by notice in writing, require the owner of the land to alter the street in such manner as it deems necessary].

²[171. (1) (a) When the municipal committee consider that in any street other than a public street, or in any part of such street within the municipality, it is necessary, for the public health, convenience or safety, that any work should be done for the levelling, paving, metalling, flagging, channelling, draining, lighting or cleaning thereof, the municipal committee may by written notice require the owner or owners of such street or part thereof, to carry out such work in a manner and within a time to be specified in such notice ; and

(b) Should the owner refuse or should he fail to carry out the work within the time specified, the committee may, by written notice, require the owners of the land or buildings fronting, adjoining or abutting upon such street or part thereof to carry out the work in such manner and within such time as may be specified in the notice.

(2) If compliance with the terms of the notice issued under clause (b) of sub-section (1) is not effected within the time specified, the committee may, if it thinks fit, itself execute the work and may recover under the provisions of section 81 the expenses incurred in doing so in such proportions as it may deem equitable from the owner of the street and the persons served with a notice under clause (b) of sub-section (1).

(3) After such work has been carried out by the persons served with a notice under clause (b) of sub-section (1) or as provided in sub-section (2) by the committee at the expense of such persons and the owner of the street, the street or part thereof, in which such work has been done, may, and on the requisition of the owner or owners of the major portion of the said street or part thereof, or on the requisition of a majority of the persons served with a notice under clause (b) of sub-section (1), it shall be declared by a public notice to be put up therein by the committee to be a public street and shall vest in the committee.

¹Substituted for " 170-B " by Punjab Act, I of 1934, section 10.

²Substituted by Punjab Act, III of 1933, section 62.

(4) A committee may at any time, by notice fixed up in any street or part thereof not maintainable by the committee, give intimation of their intention to declare the same a public street, and unless within one month next after such notice has been so put up, the owner or any one of several owners of such street or such part of a street lodge objection thereto at the municipal office, the municipal committee may, by notice in writing, put up in such street, or such part, declare the same to be a public street vested in the committee.

(5) This section shall not take effect in any municipality until it has been specially extended thereto by the [(Provincial Government), of its own motion or at the request of the committee.]

²[172. (1) Whoever without the written permission of the committee makes any immoveable encroachment on or under any street, on, over or under any sewer, or water-course, or erects or re-erects any immoveable overhanging structure projecting into a street at any point above the said ground level, shall be punishable with a fine which may extend to fifty rupees.

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(2) The committee may, by notice, require the owner or occupier of any building to remove or alter, within a specified time not exceeding six weeks, such immoveable encroachment or overhanging structure as aforesaid, and no compensation shall be claimable in respect of such removal or alteration :

Provided that if a period of more than three years has elapsed from the completion of the encroachment or overhanging structure, no prosecution shall lie under sub-section (1) ; nor shall such encroachment or overhanging structure be required to be removed or altered without payment of reasonable compensation.]

³[173. (1) The committee may grant permission in writing, on such conditions as it may deem fit for the safety or convenience of persons passing by, or dwelling or working in the neighbourhood, and may charge fees for such permission, and may at its discretion withdraw the permission, to any person to—

Power t
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(a) place in front of any building any moveable encroachment upon the ground level of any public

¹Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1931.

²Substituted by Punjab Act, III of 1933, section 63.

³Substituted by Punjab Act, III of 1933, section 61.

street or over or on any sewer, drain or watercourse or any moveable overhanging structure projecting into such public street at a point above the said ground level,

- (b) take up or alter the pavement or other materials for the fences or posts of any public street,
- (c) deposit or cause to be deposited building materials, goods for sale, or other articles on any public street, or
- (d) make any hole or excavation on, in or under any street, or remove materials from beneath any street, so as to cause risk of subsidence, or
- (e) erect or set up any fence, post, stall or scaffolding in any public street.

(2) Whoever does any of the acts mentioned in sub-section (1) without the written permission of the committee shall be punishable with fine which may extend to fifty rupees and the committee or the secretary of the committee or the Medical Officer of Health or any person authorised by the committee may—

- (i) after reasonable opportunity has been given to the owner to remove his material and he has failed to do so, remove or cause to be removed by the police, or any other agency, any such moveable encroachments or overhanging structures and any such materials, goods or articles of merchandise and any such fence, post, stall or scaffolding,

- (ii) and take measures to restore the street to the condition it was in before any such alteration, excavation or damage.

(3) If the material specified in clause (i) of sub-section (2) has not been claimed by the owner within a fortnight of its having been deposited for safe custody by the committee, or if the owner shall fail to pay to the committee the actual cost of removal or deposit in safe custody, the committee may have the material sold by auction at the risk of the owner, and the balance of the proceeds of such sale shall after deduction of the expenditure incurred by the committee be paid to the owner, or if the owner cannot be found, or refuses to accept payment the balance shall be kept in deposit by the committee until claimed at the risk of

the person entitled thereto, and if no claim is made within two years the committee may credit the amount to the municipal fund.

Explanation.—For the purposes of this section ‘moveable encroachment’ includes a seat or settee, and ‘moveable overhanging structure’ includes an awning of any material.]

¹[174. (1) Should any house, shop, wall or other building or part of a building project beyond the regular line of a street, either existing or determined on for the future, or beyond the front of the building on either side thereof, the committee may, whenever such house, shop, wall or other building or part thereof, has been either entirely or in greater part taken down or burned down, or has fallen down, by notice require such building or part when being re-built to be set back to or towards the said regular line or the front of the adjoining buildings; and the portion of the land added to the street by such setting back or removal shall become part of the street and shall vest in the committee : Power to regulate line.

Provided that the committee shall make full compensation to the owner of the building, or of the land thus vacated for any damage ²[* * * *] he may sustain in consequence of his building or any part thereof being set-back.]

(2) The committee may, on such terms as it may think fit, allow any building to be set forward for the improvement of the line of the street.

³[174-A. Notwithstanding anything contained in sections 172, 173 or 174, or in clause (1) of section 188, and subject to any general or special order that the ⁴(Provincial Government) may make in this behalf ⁵(if any street is vested in the Crown for the purposes of the Province)— Special provision regarding streets belonging Crown.

(a) the committee shall not, in respect of such street, grant permission to do any act the doing of which without the written permission of the committee is punishable under section 172 or

¹Substituted by Punjab Act, III of 1933, section 65.

²The words “it may sustain in consequence of the building or any part thereof being set-back for any damage” were omitted by Punjab Act, I of 1934, section 11.

³Inserted by Punjab Act, III of 1933, section 66.

⁴Substituted for the words “Local Government” by the Government of India (Adaptation of Indian Laws) Order, 1937.

⁵Substituted for the words “if any street, being the property of the Local Government and not having been transferred by it, vests in Local Government” by the Government of India (Adaptation of Indian Laws) Order, 1937.

section 173 or allow any building to be set forward under the provisions of sub-section (2) of section 174, except with the sanction of the¹(Provincial Government) which may be given in respect of a class of cases generally or in respect of a particular case ;

(b) the committee shall, if so required by the¹(Provincial Government), exercise the power conferred upon it by sub-section (2) of section 172 or sub-section (2) of section 173 or sub-section (1) of section 174 or clause (u) of section 188 or any bye-law made in exercise of the power conferred by clause (u) of section 188 in respect of any encroachment or overhanging structure on or over such street or any materials, goods or articles of merchandise deposited on such street, or any fence, post, stall or scaffolding erected or set up in any such street or in respect of any building or part of a building which projects beyond the regular line of such street.]

removal or
erection of
balcony,
projection
structure,
, on ad-
jacent
compen-
sation.
[175. The committee may, subject to the payment of reasonable compensation, by notice, require the owner or occupier of any building within a period of not less than six weeks, to be specified in such notice, to remove or alter any balcony, projection, structure or verandah, erected with the sanction of the committee, overhanging, projecting into or encroaching on any street or into or on any drain, sewer or aqueduct therein.]

power to
attach brackets
for lamps.
[176. The committee may attach to the outside of any building brackets for lamps in such manner as not to occasion any injury thereto or inconvenience.

destroying
direction-
posts, lamp-
posts, etc.
[177. Whoever, without being authorized by the committee, defaces or disturbs any municipal direction-post, lamp-post or lamp or extinguishes any municipal light in any public place, shall be punishable with fine which may extend to ten rupees.

ill-sticking
without
permission.
[178. (1) Whoever, without the consent of the owner or occupier or other person for the time being in charge affixes any posting bill, notice, placard or other paper o

¹Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

²Substituted by Punjab Act, III of 1933, section 67.

means of advertisement against or upon any building, wall, tree, board, fence or pale or writes upon, soils, defaces or marks any such building, wall, tree, board, fence or pale, with chalk or paint or in any other way whatsoever, shall be punishable with fine which may extend to twenty rupees.

4[(2) Notwithstanding anything contained in section 228 a court may take cognizance of an offence under sub-section (1) of this section upon the complaint of the owner or occupier or other person in charge of the property in respect of which such offence is alleged to have been committed.]

179. (1) The committee may cause a name to be given to any street, and to be affixed on any building in such place as it may think fit, and

Names of streets & numbers building

(2) Whoever shall destroy, pull down or deface any name or number affixed to any street or building under this section, or put up any different name or number from that put up by order of the committee, shall be punishable with fine which may extend to twenty rupees.

180. The committee may, where it appears to it to be necessary for the prevention of danger to life or property, by public notice, prohibit all persons from stacking or collecting timber, wood, dry grass, straw or other inflammable materials, or placing mats or thatched huts or lighting fires in any place or within any limits specified in the notice.

Inflamm material

181. The committee may direct that within certain limits, to be fixed by it, the roofs and external walls of huts or other buildings shall not be made or renewed of grass, mats, leaves or other highly inflammable materials without the permission of the committee in writing; and the committee may, by written notice, require any person, who has disobeyed any such direction to remove or alter the roofs or walls so made or renewed as it may think fit.

Roofs & external walls not be made inflamm material

182. (1) Whoever, without the permission of the committee, pickets animals or collects carts on any street, or uses any street as a halting place for vehicles or animals of any description or as a place of encampment, or causes or permits animals to stray, shall be punishable with fine which may extend to twenty rupees.

Picketing animals collecting carts.

2[(2) Any animal found picketed, tethered or straying on any public street without the permission of the

¹Added by Punjab Act, III of 1933, section 68.

²Added by Punjab Act, III of 1933, section 69.

committee may be removed to a pound by any officer or servant of the committee or by a police officer.]

¹[183. (i) Whoever drives or propels any vehicle not properly supplied with lights in any street during the period from half-an-hour after sunset to half-an-hour before sunrise, shall be punishable with fine which may extend to fifty rupees.]

²[(2) Whoever, in driving, leading or propelling a vehicle along a street, fails without reasonable excuse—

(a) to keep to the left, or

(b) when he is passing a vehicle going in the same direction, to keep to the right of that vehicle,

shall be liable to a fine which may extend to twenty rupees.

Exception.—This sub-section shall not apply to a municipality wholly or in part situated in a hilly tract.]

^{174, Pro-Act.]} 184. Whoever, in contravention of any general or special prohibition issued by the committee without the permission of the committee, beats a drum or tomtom, blows a horn or trumpet or beats or sounds any brass or other instrument or utensil, shall be punishable with fine which may extend to twenty-five rupees.

Explanation.—In the case of bands, each individual member of such band shall be punishable under this section.

^{ing, s,} 185. Whoever discharges fire-arms or lets off fireworks, fire-balloons or detonators, or engages in any game, in such a manner as to cause, or be likely to cause, danger to persons passing by or dwelling or working in the neighbourhood, or risk of injury to property shall be punishable with fine which may extend to twenty rupees.

^{ng,} 186. Whoever quarries, blasts, cuts timber or carries on building operations in such a manner as to cause, or to be likely to cause, danger to persons passing by or dwelling or working in the neighbourhood, shall be punishable with fine which may extend to fifty rupees.

^{to s at} 187. A committee may, with the previous sanction of the Deputy Commissioner, or if the Deputy Commissioner is a member of the committee, of the Commissioner, levy small fees from each person attending a fair on which the committee incurs expenditure under section 52 (2) (j) and from

¹Substituted by Punjab Act, III of 1933, section 70.

²Added by section 48 of Punjab Act, II of 1923.

persons exposing goods for sale and all persons plying any occupation for gain (except water-carriers, scavengers and others employed in connection with the fair) for defraying the cost of sanitary arrangements, watch and ward and the like.

CHAPTER X.

BYE-LAWS.

188. ¹[A committee may, and shall if so required by the ²(Provincial Government) by bye-law,—] General bye-laws

(a) render licenses necessary for the proprietors or drivers of vehicles, or animals kept or plying for hire within the limits of the municipality. and fix the fees payable for such licenses and the conditions on which they are to be granted and may be revoked, and may by such conditions provide among other things for a minimum breadth for wheel tyers and for a minimum diameter of the wheels ;

³[(b) limit the rates which may be demanded for the hire of any carriage, cart, or other conveyance, or of animals hired to carry loads or persons, or for the services of persons hired to carry loads or to impel or carry such conveyances, and limit the loads which may be carried by any animal, or carriage, cart, or other conveyance, plying for hire, within the limits of the municipality:]

Provided that no bye-laws made under clause (a) or clause (b) by the committee of a municipality in which the Hackney Carriage Act, 1879, is in force shall apply to any vehicle to which that Act applies : XIV of 18

Provided also that the operations of any bye-law made under the provisions of clause (a) or clause (b) or of any rules, made under the Hackney Carriage Act, 1879, may, with the

¹Substituted for the words "Any committee may by bye-law" by Punjab Act, III of 1933, section 71 (i).

²Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

³Substituted by Punjab Act, III of 1933, section 71 (ii).

1879.

sanction of the ¹[Provincial Government], be extended to—

- (i) any railway station ;
- (ii) the whole or any part of any road, so far as such road is situate within ten miles of the limits of the municipality ;
- (iii) the whole or any part of any road leading from the limits of any one municipality or notified area to the limits of any other municipality or notified area, if the distance between the said municipalities or notified areas does not exceed fifty miles and the committees of the said municipalities or notified areas consent to the extension of such bye-laws ;
- (c) provide for the proper registration of births, marriages and deaths, and for the taking of a census ;
- (d) fix, and from time to time vary, the number of persons who may occupy a building or part of a building, which is let in lodgings or occupied by members of more than one family, or which is situated within such congested bazar areas as may be specified in the bye-law ; and provide—
 - (i) for the registration and inspection of such buildings,
 - ²(ii) for the lincensing of hotels and lodging-houses and for the fees payable for such licenses and the conditions on which they may be granted or revoked,]
 - (ii) for promoting cleanliness and ventilation in such buildings,
 - (iii) for the notices to be given and the precautions to be taken in the case of any infectious or contagious disease breaking out in such buildings,

¹Substituted for the words "Local Government" by the Government of India Adaptation of Indian Laws) Order, 1937.

²Inserted by Punjab Act, III of 1933, section 71 (iii).

- ¹[(iv) for the scavenging, removal and disposal of all rubbish, filth, night-soil, sullage or sewage in such buildings.]
- (v) in the case of hotel, serai and lodging-house, keepers and the secretaries of residential clubs for the maintenance of registers, in such form as the committee may prescribe, of visitors and lodgers, and
- (vi) generally for the proper regulation of such buildings ;
- (e) provide—
 - ²[(i) for the inspection and proper regulation of encamping grounds, pounds, serais, bakeries, aerated-water factories, ice factories, dhobis' ghâts, flour mills, food-grain godowns, dispensing chemists' shops, slaughter-houses, and places licensed under section 121,]
 - (ii) for the inspection and proper regulation of markets, for the preparation and exhibition of a price current and for fixing the fees, rents and other charges, to be levied in such markets,
 - (iii) for defining the standard weights and measures to be used in the municipality and for the inspection of weights and measures under section 207,
 - (iv) for the holding of fairs and industrial exhibitions within the municipality or under the control of the committee, and for the collection of fees under section 187,
 - (v) for controlling and regulating the use and management of burial and burning grounds,
 - (vi) for the supervision, regulation and protection from pollution of public wells, tanks, springs or other sources from which water is or may be made available for the use of the public, whether within or without the municipality,

¹Inserted by section 49 of Punjab Act, II of 1923.

²Substituted by Punjab Act, III of 1933, section 71 (iv).

- ¹[(vi) for the licensing, inspection and proper regulation of theatres and other places of public resort, recreation or amusement,]
- ²[(viii) for the inspection and proper regulation of channels which are supplied with water from any canal to which either the Northern India Canals and Drainage Act, 1873, or the Punjab Minor Canals Act, 1905, applies,]
- (f) require and regulate the appointment by owners of buildings or land in the municipality, who are not resident in the municipality, of persons residing within or near the municipality to act as their agents for all or any of the purposes of this Act or any rule thereunder,
- (g) where the collection of an octroi ³[or terminal tax] has been sanctioned, fix limits for the purpose of collecting the same, and may prescribe routes by which ⁴ animals or articles] or both which are subject to octroi ³[or terminal tax] may be imported into the municipality ¹[or exported therefrom ;]
- (h) render licenses necessary for using premises as stables, cow-houses or houses or enclosures for sheep, goats ¹[or swine, and regulate the grant and withdrawal of such licenses ;]
- (i) in any municipality where a reasonable number of slaughter-houses has been provided or licensed by the committee, control, regulate or prohibit the admission within the municipal limits for the purpose of sale of the flesh (other than cured or preserved meat) of any cattle, sheep, goat or swine slaughtered at any slaughter-house or place not maintained or licensed under this Act, and may provide for the seizure,

¹Inserted by section 49 of Punjab Act, II of 1923.

²Added by Punjab Act, XV of 1926, section 5 (ii).

³Inserted by section 8 of Punjab Act, I. of 1922.

⁴Substituted for the words "goods or animals" by section 49 of Punjab Act, II of 1923.

destruction or disposal otherwise of any flesh brought within municipal limits in contravention of any such bye-law ;

- (j) fix premises within the municipality in which the slaughter of animals of any particular kind, not for sale, shall be permitted, and prohibit, except, in case of necessity, such slaughter elsewhere within the municipality :

Provided that no such bye-laws apply to animals slaughtered for any religious purpose ;

- (k) prohibit the letting off of fire-arms, fire-works, fire-balloons, bombs or detonators except (1) with the permission of the committee or of a municipal officer empowered to give such permission, (2) subject to such conditions as the committee may impose, and (3) on payment of such fees (if any) as may at any time have been fixed by the committee in that behalf ;

- (l) regulate the making and use of connections or communications between private houses and premises and mains or service cables, wires, pipes, drains, sewers and other channels established or maintained by the committee, under any of the provisions of this Act ;

- ¹[(m) regulate the collection, storage preservation from pollution and use of rain-water, and the carrying out of the provisions of sections 96 to 105 ;]

- (n) regulate the posting of bills and advertisements, and the position, size, shape, and style of name-boards, sign-boards and sign-posts ;

- (o) provide for, regulate require or prohibit the construction, pattern of construction, maintenance and materials of boundary walls, hedges and fences hereafter erected or re-erected so as to abut on a public street or upon property vested in the committee ;

- ²[(p) regulate or prohibit any description of traffic in the streets and provide for the reduction of noise caused thereby.]

¹Substituted by Punjab Act, III of 1933, section 71 (v).

²Substituted by Punjab Act, III of 1933, section 71 (vi).

- (q) prohibit the storage of more than a fixed maximum quantity of any explosive, petroleum, spirit, naphtha or other inflammable material in any building not registered or licensed under section 121 ;
- (r) provide for the seizure and confiscation of ownerless animals straying within the limits of the municipality ;
- (s) provide for the registration of all or any specified classes of dogs, and in particular and without prejudice to the generality of the foregoing—
 - (i) provide for the imposition of an annual fee for such registration ;
 - (ii) require that every registered dog shall wear a collar to which shall be attached a metal token to be issued by the committee ;
 - (iii) provide that any dog, not registered and wearing such token, may, if found in any public place, be detained at a place to be set apart for the purpose, and will be liable to be destroyed or otherwise disposed of after a period to be specified in the bye-laws ;
- ¹[(t) render licenses necessary for hand carts employed for transport, or hawking articles for sale, and for the persons using such hand carts, and prescribe the conditions for the grant and revocation of such licenses.]
- ²[(u) regulate the conditions on which and the periods for which permission may be under sub-section (1) of section 172 and sub-section (1) of section 173, and provide for the levy of fees and rents for such permission ;]³ * * * *
- ⁴[(w) provide for the registration, inspection and proper regulation of buildings ordinarily utilized for the residence or treatment of persons suffering from infectious diseases, and for the limiting of the number of such persons who reside in such buildings or part of such buildings : and]

¹Substituted by Punjab Act, III of 1933, section 71 (vii).

²Substituted by Punjab Act, I of 1925, section 6 (ii).

³The word "and" was omitted by Punjab Act, III of 1935.

⁴This clause was inserted by section 4 of Punjab Act, III of 1935.

(v) generally provide for carrying out the purposes of this Act.

¹189. (1) No person shall erect or re-erect or commence to erect or re-erect any building without the sanction of the committee. Prohibi-
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(2) Every person who intends to erect or re-erect any building shall give notice in writing to the committee of such intention. Notifica-
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²[(3) A committee shall by bye-law— Building
bye-law

(a) prescribe the manner in which notice of the intention to erect or re-erect a building shall be given to the committee;

(b) require that with every such notice shall be furnished a site plan of the land on which it is intended to erect or re-erect such building and a plan and specification of the building, of such character and with such details as the bye-law may require;

(c) where the building appears likely to be used as a factory, require the provision of adequate housing accommodation in connection therewith.]

(4) Where bye-laws have been framed under this section no notice under sub-section (2) shall be considered to be valid until the information, if any, required by such bye-laws has been furnished to the satisfaction of the committee.

³[190. (1) The committee may, and if so required by the ⁴(Provincial Government) shall, by bye-laws, regulate in respect of the erection or re-erection of any building within the municipality or part thereof— Power
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(a) the materials and method of construction to be used for external and party walls, roofs, floors, stair-cases, lifts, fire-places and chimneys;

(b) the materials and method of construction and position of fire-places, chimneys, drains, latrines, privies, urinals and cess-pools;

¹Section 189 has been amended in the case of municipalities to which the Municipal (Executive Officer) Act, 1931, applies,—vide Item No. 12 of Schedule II, Punjab Act, II of 1931, *infra*.

²Substituted by Punjab Act, III of 1933, section 72.

³Substituted by Punjab Act, III of 1933, section 73.

⁴Substituted for the words "Local Government" by the Government of India Adaptation of Indian Laws) Order, 1937.

- (c) the height and slope of the roof above the uppermost floor upon which human beings are to live or cooking operations are to be carried on ;
- (d) the ventilation and the space to be left about the building to secure the free circulation of air and for the prevention of fire ;
- (e) the line of frontage where the building abuts on a street ;
- (f) the number and height of the storeys of which the building may consist ;
- (g) the means to be provided for egress from the building in case of fire ;
- (h) the materials and methods of construction to be used for godowns intended for the storage of food-grains in excess of fifty maunds, in order to render them rat-proof ;
- (i) the minimum dimensions of rooms intended for use as living rooms or sleeping rooms ;
- (j) the ventilation of rooms and the minimum dimensions of doors ¹[and] windows ;
- (k) the position and dimensions or projections beyond the outer face of any external wall of a building ; and
- (l) the height of factory chimneys and the provision to be made for consumption of smoke arising from the combustible used in any fire-place or furnace in a factory.

(2) Notwithstanding anything contained in section 193, no person shall erect or re-erect any building in contravention of any bye-law made under section (1)].

191. In any case in which no bye-laws have been made under sub-section (3) of section 189, the committee may, within 14 days of the receipt of the notice required by sub-section (2) of that section, require a person who has given such notice to furnish, within one week of the receipt by him of the requisition, information on all or any of the matters as to which bye-laws might have been made, and in such case the notice shall not be valid until such information has been furnished.

¹Substituted for the word "or" and the words "or either of both" at the end of the clause deleted by Punjab Act, I of 1934, section 12.

¶192. (1) The committee may, and if so required by the Commissioner shall, within six months of the date of such requisition, draw up a building scheme for built areas, and a town planning scheme for unbuilt areas, which may among other things provide for the following matters, namely :—

- (a) the restriction of the erection or re-erection of buildings or any class of buildings in the whole or any part of the municipality, and of the use to which they may be put ;
- (b) the prescription of a building line on either side or both sides of any street existing or proposed ; and
- (c) the amount of land in such unbuilt area which shall be transferred to the committee for public purposes including use as public streets by owners of land either on payment of compensation or otherwise, provided that the total amount so transferred shall not exceed ²(twenty) per cent. and the amount transferred without payment shall not exceed ³(ten) per cent. of any one owner's land within ⁴(such unbuilt area).

(2) When a scheme has been drawn up under the provisions of sub-section (1) the committee shall give public notice of such scheme and shall at the same time intimate a date not less than thirty days from the date of such notice by which any person may submit to the committee in writing any objection or suggestion with regard to such scheme which he may wish to make.

(3) The committee shall consider every objection or suggestion with regard to the scheme which may be received by the date intimated under the provisions of sub-section (2) and may modify the scheme in consequence of any such objection or suggestion and shall then forward such scheme as originally drawn up or as modified to the Commissioner, who may, if he thinks fit, return it to the committee for re-consideration and resubmission by a specified date : and the Commissioner shall submit the plans as forwarded, or

¹Substituted by Punjab Act, III of 1933, section 74.

²Substituted for the word " forty "

³Substituted for the word " twenty "

⁴Substituted for the words " the Municipal area "

} by Punjab Act. I of 1934,
section 13.

as resubmitted, as the case may be with his opinion to the ¹(Provincial Government), who may sanction such scheme or may refuse to sanction it, or may return it to the committee for reconsideration and resubmission by a specified date.

(4) If a committee fails to submit a scheme within six months of being required to do so under sub-section (1) or fails to re-submit a scheme by a specified date, when required to do so under sub-section (3) or resubmits a scheme which is not approved by the ¹(Provincial Government), the Commissioner may draw up a scheme of which public notice shall be given by notification and by publication within the municipality together with an intimation of the date by which any person may submit in writing to the Commissioner any objection or suggestion which he may wish to make, and the Commissioner shall forward with his opinion any such objection or suggestion to the ¹(Provincial Government), and the ¹(Provincial Government) may sanction such scheme as originally notified or modified in consequence of any such objection or suggestion, as the ¹(Provincial Government) may think fit; and the cost of such scheme or such portion of the cost as the ¹(Provincial Government) may deem fit shall be defrayed from the municipal fund.

(5) When sanctioning a scheme the ¹(Provincial Government) may impose conditions for the submission of periodical reports on the progress of the scheme to the Commissioner or to the ¹(Provincial Government), and for the inspection and supervision of the scheme by the ¹(Provincial Government).

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²[192-A. If under the provisions of any scheme sanctioned under section 192 the erection or re-erection of buildings in a specified area for a specified purpose is prohibited any person who after such scheme is sanctioned uses any building for such purpose shall, ³***unless it was used for this purpose before the scheme was sanctioned, on conviction by a magistrate be liable to fine which may extend to five hundred rupees, and if after such conviction he continues to use such building for such purpose ⁴**** shall be liable to fine which may extend to fifty rupees for every day during which such use continues.]

¹Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

²Inserted by Punjab Act, III of 1933, section 75.

³The word 'and' was omitted by Punjab Act, I of 1934.

⁴The word 'be' was omitted by Punjab Act, I of 1934.

1[193. (1) The committee shall refuse to sanction the erection or re-erection of any building in contravention of any bye-law made under sub-section (1) of section 190 or in contravention of any scheme sanctioned under sub-section (3) or sub-section (4) of section 192, unless it be necessary to sanction the erection of a building in contravention of such a scheme owing to the committee's inability to pay compensation as required by section 174 for the setting back of a building:

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(2) The committee may refuse to sanction the erection or re-erection of any building for any other reason, to be communicated in writing to the applicant, which it deems to be just and sufficient as affecting such building, or if the land, on which it is proposed to erect or re-erect such building ²(is vested in the Crown or in the Committee), and the ³(consent of the Government concerend or, as the case may be of the committee) has not been obtained, or if the title to the land is in dispute between such person and the committee ⁴(or any Government).

(3) Subject to the provisions of sub-section (1) the committee may sanction the erection or re-erection of any building either absolutely or subject to such modifications in accordance with the bye-laws and rules as it may deem fit.

(4) Notwithstanding anything contained in sub-section (1) or sub-section (2) but subject to the provisions of sub-section (2) of section 190, if the committee neglects or omits, within sixty days of the receipt from any person of a valid notice of such person's intention to erect or re-erect a building or within one hundred and twenty days, if the notice relates to a building on the same or part of the same site, on which sanction for the erection of a building has been refused within the previous twelve months; to pass orders sanctioning or refusing to sanction such erection or re-erection, such erection or re-erection shall, unless the land on which it is proposed to erect or re-erect such buildings belongs to or vests in the committee, be deemed to have been sanctioned,

¹Substituted by Punjab Act, III of 1933. section 76. This section has been amended in the case of municipalities to which the provisions of Municipal (Executive Officer) Act, apply,—*vide* item No. 13 of Schedule II, Punjab Act, II of 1931 as amended by Act II of 1934, *infra*.

²Substituted for the words "is Government property or vests in the committee" by the Government of India (Adaptation of Indian Laws) Order, 1937.

³Substituted for the words "consent of Government or the committee" by the Government of India (Adaptation of Indian Laws) Order, 1937.

⁴Substituted for the words "or the Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

except in so far as it may contravene any bye-law, or any building or town planning scheme sanctioned under section 192 :

Provided that should a resolution conveying or refusing such sanction be suspended under section 232, the period prescribed by clause (4) shall commence to run afresh from the date of communication of final orders by the Commissioner or the ¹(Provincial Government) under section 235.

Provided further that if not less than one-fifth of the members present vote against a resolution conveying sanction, the sanction shall be deemed not to have been conveyed until after the lapse of fourteen days from the passing of the resolution.]

²[193-A. If at any time before the completion of a building of which the erection has been sanctioned under section 193 the committee finds that any modification of the sanctioned plan is necessary, the committee may, subject to compensation for any loss to which the owner may be put, direct that the building be modified accordingly.]

³[194. Every sanction for the erection or re-erection of any building which shall be given or be deemed to have been given, by a committee, shall remain in force for one year only from the date of such sanction, or for such longer period as the committee may have allowed when conveying sanction under section 189. Should the erection or re-erection of the building not have been commenced within one year and completed within two years or such longer period as may have been allowed by the committee the sanction shall be deemed to have lapsed ; but such lapse shall not bar any subsequent application for fresh sanction under the foregoing provisions of the Act.]

⁴[195. Should a building be begun, erected or re-erected—

(a) without sanction as required by section 189 (1) :

or

¹Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

²Inserted by Punjab Act, III of 1933, section 77.

³Substituted by Punjab Act, III of 1933, section 78. In the case of municipalities to which the Municipal (Executive Officer) Act, 1931, applies, in this section the words "or the Executive Officer, as the case be" shall be deemed to be inserted after the word "Committee" wherever it occurs,—*vide* item No. 14 of Schedule II, Punjab Act, II of 1931 as amended by Punjab Act II of 1934, *infra*.

⁴Substituted by Punjab Act, III of 1933, section 79. In the case of municipalities to which the Municipal (Executive Officer) Act, 1931, applies, section 195 has been amended,—*vide* item No. 15 of Schedule II, Punjab Act, II of 1931, as amended by Punjab Act II, of 1934, *infra*.

- (b) without notice as required by section 189 (2) : or
- (c) when sanction has been refused,

the committee may by notice delivered to the owner within six months from the completion of the building require the building to be altered or demolished as it may deem necessary within the period specified in such notice; and should it be begun or erected—

- (d) in contravention of the terms of any sanction granted ; or
- (e) when the sanction has lapsed ; or
- (f) in contravention of any bye-law made under section 190 ; or, in the case of a building of which the erection has been deemed to be sanctioned under section 193 (4), if it contravenes any bye-law or any scheme sanctioned under section 192 ;

the committee may by notice to be delivered to the owner within six months from the completion of the building require the building to be altered in such manner as it may deem necessary, within the period specified in such notice :

Provided that the committee may, instead of requiring the alteration or demolition of any such building, accept by way of compensation such sum as it may deem reasonable ;

Provided also that the committee shall require a building to be demolished or altered so far as is necessary to avoid contravention of a building scheme drawn up under section 192.]

¹[195-A. (1) Where a building is begun as described in section 195 but not completed, the committee may ²(by notice, to be delivered to the owner within six months from the commencement of the building, or from the contravention of the terms of any sanction, or of any bye-law framed under section 190, as the case may be) require the building operations to be discontinued from the date of the service of such notice.

Power of
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(2) Any person failing to comply with the terms of such notice shall be punishable with a fine which may extend

¹Added by section 54 of Punjab Act, II of 1923.

²Substituted for the words " within six months by notice " by Punjab Act, XV of 1926, section 7.

to one thousand rupees and when the non-compliance is a continuing one, with a further fine which may extend to fifty rupees for every day after the first during which the non-compliance continues].

196. (1) No compensation shall be claimable by an owner for any damage which he may sustain in consequence of the prohibition of erection of any building.

¹[(2) The committee shall make reasonable compensation to the owner for any damage or loss which he may sustain in consequence of the prohibition of the re-erection of any building or part of a building except in so far as the prohibition is necessary under any bye-law :

Provided that the committee shall make full compensation to the owner for any damage he may sustain in consequence of his building or any part thereof being set back unless for a period of three years or more immediately preceding such notice the building has by reason of its being in a ruinous or dangerous condition become unfit for human habitation or unless an order of prohibition issued under section 116 has been and still is in force in respect of such building.]

²**197.** The committee may, and shall if so required by the ³(Provincial Government), by bye-law—

- (a) prohibit the manufacture, sale, or preparation or exposure for sale, of any specified articles of food or drink, in any place or premises not licensed by the committee ;
- (b) regulate the hours and manner of transport within the municipality of any specified articles of food or drink, and prescribe the route by which such articles shall be carried ;
- (c) prohibit the sale of milk, butter, ghi, curd, meat, game, fish and poultry by persons not licensed by the committee ;
- (d) prohibit the import into the municipality for sale of milk, cream, butter, ghi, curd, meat, game, fish and poultry by persons not licensed by the committee ;

¹Substituted by Punjab Act, III of 1933, section 80.

²Substituted by Punjab Act, III of 1933, section 81.

³Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

- (e) make regulations for the grant and withdrawal of licenses and the levying of fees therefor under this section :

Provided that no person shall be punishable for breach of any bye-law made under clause (a) of this section by reason of the continuance of such manufacture, preparation or exposure for sale, or sale upon any premises which are, at the time of the making of such bye-law, used for such purpose until he has received from the committee six months' notice in writing to discontinue such manufacture, preparation or exposure for such sale, or such sale in such premises :

Provided further that nothing herein contained shall affect the operation of section 43 of the Punjab Laws Act, 1872, and the rules made thereunder.]

¹[197-A. No wild bird or animal in respect of which any close time has been notified by the ²(Provincial Government) under section 3 of the Wild Birds and Animals Protection Act, 1912, shall whether dead or alive be possessed or sold during such close time within any municipality; and no such bird or animal shall at any other time be sold within any municipality except under an annual license to be granted by the committee: provided that these prohibitions shall not extend to wild birds or animals possessed or sold as pets.]

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198. In the municipalities of Simla, Dharamsala, Dalhousie and Murree, the committee may further make by-laws—

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- (a) for regulating or prohibiting the cutting or destroying of trees or shrubs, or the making of excavations or removal of soil or quarrying, where such regulation or prohibition appears to the committee to be necessary for the maintenance of water-supply, the preservation of the soil, the prevention of landslips or of the formation of ravines or torrents. or the protection of land against erosion or the deposit thereon of sand gravel or stones ;
- (b) for fixing places where timber or wood of any description may be stacked, and for regulating

¹Added by section 56 of Punjab Act, II of 1923.

²Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

the manner in which such timber or wood, as the case may be stacked, where such regulation appears to the committee to be necessary for the prevention of fire or other danger or grave inconvenience to the public or of landslips or other injurious disturbance of the surface of any land ;

(c) for rendering licenses necessary within the municipality—

(i) for persons working as job porters for the conveyance of goods,

(ii) for animals or carriages let out on hire for a day or part thereof, and

(iii) for persons impelling or carrying¹ ***carriages ;

(d) for fixing the fees payable for such licenses as are referred to in this section, and the conditions on which such licenses are to be granted and may be revoked.

199. (1) In making any bye-law under any section of this chapter, the committee may direct that a breach, or an abetment of a breach of it, shall be punishable with fine which may extend to fifty rupees, and, when the breach is a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues.

(2) In lieu of or in addition to such fine, the magistrate may require the offender to remedy the mischief so far as is within his power.

200. All bye-law made under this Act shall be subject to previous publication.

201. (1) No bye-law made, under any section of this chapter shall come into force until it has been confirmed by the ²[Provincial Government] and, published for such time and in such manner as the ²[Provincial Government] may prescribe in this behalf.

(2) The ²[Provincial Government] may cancel its confirmation of any such bye-law, and thereupon the bye-law shall cease to have effect.

¹The word "such" was omitted by section 2 of Punjab Act, II of 1919.

²Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

202. (1) A copy of all bye-laws made under this Act for any municipality shall be kept at the committee's office, and shall be open during office hours without charge to the inspection of any inhabitant. Bye-laws to be kept at the committee's office, for public inspection.

(2) Copies of all such bye-laws shall be kept at the committee's office for sale to the public at a price not exceeding one rupee.

CHAPTER XI.

OF PROCEDURE.

Powers of entry and inspection.

203. (1) The committee¹ may authorize any person to enter, between sunrise and sunset, into any building or upon any land and to inspect any drain; privy, latrine, urinal, cesspool, cable, wire, pipes, sewer or channel therein or thereon, and to cause the ground to be opened where such person as aforesaid may think fit for the purpose of preventing or removing any nuisance arising from the drains, privies, latrines, urinals, cesspools, cables, wires, pipes, sewers or channels. Inspection of drains, privies, cesspools, etc.

(2) If, on such inspection, it appears that the opening of the ground was necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner or occupier of the land or building; but if it be found that no nuisance exists or but for such opening would have arisen, the ground or portion of any building, drain or other work, if any, opened, injured or removed for the purpose of such inspection shall be filled in, reinstated and made good by the committee.

(3) No building other than a latrine, urinal or privy, shall be entered under this section until six hours' notice in writing has been given to the occupier of the building by the committee or by the person authorized by the committee to make the entry.

¹In the case of municipalities to which the provisions of Municipal (Executive Officer) Act, 1931, apply the words "or the Executive Officer" shall be deemed to be inserted after the words "the committee" in sub-section (1) of section 203, *vide* item No. 16 of Schedule II, Punjab Acts II of 1931.

204. (1) The committee¹ may authorize any person after giving three hours' notice to the occupier, or, if there be no occupier, to the owner of any building to enter and inspect it at any time between sunrise and sunset where such inspection appears necessary for sanitary reasons.

(2) If the building to be inspected is a stable for horses or a house or shed for cows or other cattle, previous notice shall not be requisite before inspection.

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205. The committee¹ may authorize any person, after giving twenty-four hours' notice to the occupier, or if there be no occupier, to the owner of any building or land, at any time between sunrise and sunset—

(a) to enter on and to survey, and to take levels or measurements of any buildings or land ;

(b) to enter into any building or on any land for the purpose of examining works under construction, of ascertaining the course of sewers or drains, or of executing or repairing any work which it is by this Act empowered to execute or to maintain ;

(c) to enter into any building or on any land for the purpose of inspecting or repairing gas, water, telephonic, electric or other installations and for taking readings of meters connected therewith.

²[(d) to enter into any building or on any land for the purpose of ascertaining whether any building is being or has been erected or re-erected without sanction or in contravention of any sanction given by the committee or of any bye-laws made under section 190 or of any scheme sanctioned under section 192 and to take such measurements and do any other such acts as may be necessary for such purpose.]

¹In the case of municipalities to which the provisions of Municipal (Executive Officer) Act, 1931, apply, the words "or the Executive Officer" shall be deemed to be inserted after the words "the committee" in sub-section (1) of sections 204 and 205,—*vide item No. 16 of Schedule II, Punjab Act, II of 1931.*

²Inserted by Punjab Act, III of 1933, section 82.

206. The committee¹ may authorize any person at all reasonable times to enter into and to inspect any market, building, shop, stall or place used for the sale of food or drink for man, or as a slaughter house, or for the sale of drugs, and to inspect and examine any food or drink, animal or drug, which may be therein; and, if any article of food or drink, or any animal therein appears to be intended for the consumption of man and to be unfit therefor, may seize and remove the same or may cause it to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for such consumption :

Power to inspect places of sale of food or drink etc., and to seize unwholesome articles exposed for sale.

and, in case it is reasonably suspected that any drug is adulterated in such manner as to lessen its efficacy or to change its operation or to render it noxious, to remove the same, giving a receipt therefor, and to cause the owner thereof to be brought before a magistrate for enquiry whether any offence has been committed in respect thereof, and for orders as to the disposal of the said drug.

207. (1) The committee,¹ by any person authorized by it in this behalf, may at all reasonable times enter into and inspect any market, building, shop, stall or place used for the sale of any goods, food, drink or drug, and may inspect any instruments for weighing, weights or measures found therein and test the same with other weights and measures, and may seize any such instrument for weighing, weight or measure which the person so authorized reasonably believes to be false or not in accordance with bye-laws made by the committee under section 188 (c) (iii), and may take the same to be examined or tested by the officer appointed for the purpose.

Inspection of weights, measures and sale of false weights.

(2) Every person for the time being in charge of or employed in such market, building, shop, stall or place shall, if so requested by the person making such inspection, produce for such inspection and comparison all instruments for weighing, weights and measures kept therein.

¹In the case of municipalities to which the provisions of Municipal (Executive Officer) Act, apply, the words "or the Executive Officer" shall be deemed to be inserted after the words "the committee,"—*vide* item No. 16 of Schedule II, Punjab Act, II of 1931.

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208. If there are reasonable grounds for believing that any animal has been, is being, or is about to be, slaughtered in any place or premises not fixed for such purpose under section 167 or in contravention of any bye-law made under section 188 (e) (i), the committee¹ by any person authorized by it² in this behalf may, at all reasonable times, enter into and inspect any such place or premises :

Provided that no entry shall be made under the provisions of this section without an order in writing from the president or from the ³[Medical Officer of Health]. Such order shall specify the place or premises to be entered and the locality in which the same is situate and the period (which shall not exceed seven days) for which it is to remain in force.

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209. Whoever, in contravention of section 205 or section 206 or section 207 or section 208 or section 211, refuses to suffer inspection of any premises, food, drink, drug, animals, weight, measure or instruments for weighing, or, in contravention of section 207, clause (2), refuses to produce any weight, measure or instrument for weighing to which he has access, shall be punishable with fine which may extend to two hundred rupees.

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210. (1) The committee¹ may authorize any person to enter upon at any reasonable time and inspect any house or building which is suspected to contain, petroleum, explosive or other inflammable material, in excess of the quantity permitted to be kept in such house or building under the provisions of this Act or of any rule, bye-law or public notice made or published thereunder.

(2) Should any such excess quantity of such material be discovered, it may be seized and held subject to such order as a magistrate may pass with respect to it.

¹In the case of municipalities to which the provisions of Municipal (Executive Officer) Act, apply, the words "or the Executive Officer" shall be deemed to be inserted after the words "the committee",—*vide* item No. 16 of Schedule II, Punjab Act, II of 1931, *infra*.

²The words "or him" shall be deemed to be inserted between the words "it" and "in" in the case of those municipalities to which the Municipal (Executive Officer) Act, 1931, applies,—*vide* item 16 of Schedule II, Punjab Act, II of 1931.

³Substituted for the words "Health Officer" by Punjab Act, II of 1923, section 57.

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215. (1) Every notice issued by a committee under this Act or under any rule or bye-law shall be in writing, signed by the president, vice-president, secretary or assistant secretary, or by the members of any sub-committees specially authorized by the committee in that behalf, and ²[every such notice and every order made under section 193] may be served on the person to whom it is addressed, or delivered or left at his usual place of abode or business with some adult male member or servant of his family, or, if it cannot be so served, may be affixed to some conspicuous part of his place of abode or business.

³[Provided that such notice may be signed by the Medical Officer of Health when it is issued by the committee under any section of this Act under which power may be delegated to the Medical Officer of Health under clause (b) of section 33 and has been so delegated.]

(2) When the place of abode or business of the person to whom the notice is addressed is not within the limits of the municipality, the notice may be served by posting it in a registered cover addressed to his usual place of abode.

(3) If the owner of any property has no place of abode or business within the municipality, every such notice addressed to him as such owner may be served on the occupier.

(4) When the place of abode or business of the occupier of any property is not known, every such notice addressed to him as such occupier may be served by affixing it to some conspicuous part of the property.

(5) No notice issued by the committee under this Act or under any rule or bye-law shall be invalid for defect of form.

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216. Whenever it is provided by this Act that any notice may be given to the owner or occupier of any land or building, and the owner and occupier are different persons, such notice shall be given to the one of them primarily liable to comply with such notice, and in case of doubt to both of them :

¹This section has been amended in the case of those municipalities to which the provisions of Municipal (Executive Officer) Act, apply,—*vide* item No. 17 of Schedule II, Punjab Act, II of 1931.

²Inserted by section 58 of Punjab Act, II of 1923.

³Added by section 58 of Punjab Act, II of 1923.

Provided that in any such case, where there is no owner resident within the municipality, the delivery of such notice to the occupier shall be sufficient.

217. When any notice is under the provisions of this Act to be given to or served on the owner or occupier of any property and he is unknown, it may be given or served—

(a) by delivering a written notice to some person on the property, or, should there be no person on the property to whom it can be delivered, by affixing it to some conspicuous part of the property; or

(b) by putting into the post a pre-paid letter containing a written notice and addressed by the description of the "owner" or "occupier" of the property (naming it) in respect of which the notice is given, without further name or description.

218. Every public notice given by a committee under this Act or any rule or bye-law shall be published by proclamation or in such other manner as the Provincial Government may, by rule, direct.

219. Whoever disobeys any lawful direction or prohibition given by the committee by public notice under this Act or any written notice lawfully issued by it thereunder, or fails to comply with the conditions subject to which any permission was given by the committee to him under those powers, shall, if the disobedience or omission is not an offence punishable under any other section, be punishable with fine which may extend to fifty rupees, and, in the case of a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues :

Provided, that when the notice fixes a time within which a certain act is to be done and no time is specified in this Act, it shall rest with the magistrate to determine whether the time so fixed was a reasonable time within the meaning of this Act.

1[219-A. Every person convicted of an offence under this Act on account of any act or omission, shall, notwithstanding any punishment to which he may have been sentenced for such offence, pay compensation, the amount of which shall be determined by the magistrate before whom he was so convicted, to the committee for any damage that may have occurred to any property of the committee, in consequence of such act or omission.]

220. Whenever the terms of any notice have not been complied with, the committee may, after six hours' notice, by its officers, cause the act to be done.

221. Any person wilfully obstructing the committee, or any officer or servant of the committee, or any person authorized by the committee, in the exercise of the powers conferred by this Act, shall be punishable with fine which may extend to ²[one hundred] rupees.

222. (1) Where, under this Act, the owner or occupier of property is required by the committee to execute any work and default has been made in complying with the requirement, and the committee has executed the work, the committee may recover the cost of the work from the person in default.

(2) As between themselves and the committee both owner and occupier shall be deemed to be in default for the purposes of this section, but that one of them shall be deemed to be primarily in default upon whom, as between landlord and tenant, the duty of doing the required act would properly fall either in pursuance of the contract of tenancy or by law.

(3) When the person primarily in default is the owner, and the committee has recovered the whole or any part of the cost from the occupier, or he has paid the same upon its demand, he may deduct the sum so recovered or paid from the rent from time to time becoming due from him to the owner, or otherwise recover it from such owner :

Provided that no occupier shall be required to pay under sub-section (3) any sum greater than the amount for the time being due from him to the owner, either in respect of rent due at the date of such demand as aforesaid or thereafter accruing, unless he has refused on application to him

¹Added by section 59 of Punjab Act, II of 1923.

²Substituted for the word " fifty " by section 60 of Punjab Act of 1923. :

by the committee truly to disclose the amount of his rent and the name and address of the person to whom it is payable ; but the burden of proof that the sum so demanded by the committee from the occupier exceeds the rent due at the time of the demand, or which has since accrued due, shall lie on the occupier.

(4) All money recoverable by a committee under this section may be recovered either by suit or on application to a magistrate having jurisdiction within the municipality by distress and sale of the moveable property of the person from whom the money is recoverable, and if payable by the owner of the property shall, until it is paid, be a charge on the property.

(5) Nothing in this section shall affect any contract between an owner and an occupier.

[(6) Where under section 113 or section 114 the committee has executed any work, the cost thereof may be recovered from the owner or occupier in connection with work done under section 113, and from the owner in connection with work done under section 114, in the manner herein provided for the recovery of the cost of work from a defaulting owner or occupier and subject to the provisions herein contained.]

223. (1) When any person, by reason of his receiving, ^{Relief to agent or trustee} ^{or being entitled to receive} the rent of immoveable property as agent or trustee, ^{of a person or society.} would, under this Act, be bound to discharge any obligation imposed by this Act on the owner of the property ⁽⁴⁾ for the discharge of which money is required, he shall not be bound to discharge the obligation unless he has, or but for his own improper act or default might have had, in his hand funds belonging to the owner sufficient for the purpose.

(2) The burden of proving the fact entitling an agent or trustee to relief under this section shall lie on him.

(3) When any agent or trustee has claimed and established his right to relief under this section, the committee

¹Added by section 61 of Punjab Act, II of 1923.

²Added by section 62 of Punjab Act, II of 1923.

³Substituted for the words "or of his being as agent or trustee for the person who would receive the rent if the property were let to a tenant" by section 62 of Punjab Act, II of 1923.

⁴The word "and" omitted by section 62 of Punjab Act, II of 1923.

may give him notice to apply to the discharge of such obligation as aforesaid the first moneys which shall come to his hands on behalf or for the use of the owner, and should he fail to comply with such notice, he shall be deemed to be personally liable to discharge such obligation.

Payment of compensation by the committee.

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224. (1) The committee may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in the committee, its officers and servants, under this Act, and shall make such compensation where the damage was caused by the negligence of the committee, its officers or servants and the person sustaining the damage was not himself in default in the matter in respect of which the power was exercised.

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¹[(2) Should any dispute, for the settlement of which no express provision is made by any other section, arise touching the amount of any compensation which the committee is by this Act required to pay or empowered to receive for injury to or in respect of any building or land, it shall be settled in such manner as the parties may agree, or, in default of agreement, in the manner provided by the Land Acquisition Act, 1894, with reference to the acquisition of and payment of compensation for land for public purposes so far as it can be made applicable.]

Appeals from orders, etc.

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225. (1) Any person aggrieved—

(a) by the refusal of a committee under section 193 to sanction the erection or re-erection of a building, or

²[(b)³ by a notice from a committee under section 171 requiring a street to be drained, levelled, paved, flagged, metalled or provided with proper means of lighting, or declaring a street to be a public street, or under section 195 requiring the alteration or demolition of a building, or,]

¹Substituted by Punjab Act, III of 1933, section 84.

²Substituted by Punjab Act, III of 1933, section 85.

³Clauses (b) and (c) of sub-section (1) of section 225 have been amended by item No. 18 of Schedule II of Punjab Act, II of 1931 in the case of those municipalities to which the provisions of Municipal (Executive Officer) Act, 1931, apply, *infra*.

¹(c) by any order made by a committee under the powers conferred upon it by sections 107, 116, ²[121], 123 ²[or section 124,]

may appeal within thirty days from the date of such prohibition, notice or order to such officer as the ³[Provincial Government] may appoint for the purpose of hearing such appeals or any of them, or, failing such appointment, to the Commissioner in the case of a committee of a first class municipality, or to the Deputy Commissioner in the case of a committee of a second class municipality; and no such refusal, notice or order shall be liable to be called in question otherwise than by such appeal:

Provided that, if in the latter case the Deputy Commissioner or such other officer as aforesaid be himself a member of the committee, the appeal shall lie to the Commissioner.

(2) The appellate authority may, if it shall think fit, extend the period allowed by sub-section (1) for appeal.

(3) The order of the appellate authority confirming, setting aside or modifying the refusal, notice or order appealed from shall be final:

Provided that the refusal, notice or order shall not be modified or set aside until the appellant and the committee have had reasonable opportunity of being heard.

226. When any order of the kind specified in section 107, section 123 and section 219 is subject to appeal, and an appeal has been instituted against it, all proceedings to enforce such order and all prosecutions for any breach thereof shall be suspended pending the decision of the appeal, and, if such order is set aside on appeal, disobedience thereto shall not be deemed to be an offence.

227. Every order of forfeiture under section 165 and every order under section 166 or section 210 shall be subject to appeal to the next superior court, but shall not be otherwise open to appeal.

¹Clauses (b) and (c) of sub-section (1) of section 225 have been amended by item No. 18 of Schedule II of Punjab Act, II of 1931, in the case of those municipalities to which the provisions of Municipal (Executive Officer) Act, 1931, apply. *infra*.

²The figures 121 and 124 were inserted by section 61 of Punjab Act, II of 1923.

³Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

*Offences and prosecutions.*city
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¹228. Unless otherwise expressly provided no court shall take cognizance of any offence punishable under this Act or any rule or any bye-law thereunder, except on the complaint of, or upon information, received from the committee or some person authorized by the committee in this behalf.

Explanation.—The committee may authorize ²[any person] ³[and shall be deemed to have authorized any person appointed to this end by the ⁴(Provincial Government) to make complaints or give information, without previous reference to the committee, either generally in regard to all offences against this Act and the rules or bye-laws thereunder, or particularly in regard only to specified offences or offences of a specified class. The person authorized may be authorized by office, if he is president, vice-president; ⁵[Medical Officer of Health] or secretary of the committee, or officer in charge of a police station; in other cases the authority must be personal. The authority must in all cases be in writing, and may at any time be cancelled by the committee.

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¹229. (1) The committee or with the authorization of the committee its president, vice-president, ⁵[Medical Officer of Health] or secretary, or any sub-committee thereof, may accept from any person against whom a reasonable suspicion exists that he has committed an offence against this Act or any rule or bye-law, a sum of money by way of composition for such offence.

(2) On payment of such sum of money the suspected person if in custody shall be discharged, and no further proceedings shall be taken against him in regard to the offence or alleged offence so compounded for.

(3) Sums paid by way of composition under this section shall be credited to the municipal fund.

(4) Authorization under sub-section (1) to accept composition for alleged offences may be given by the committee.

¹Sections 228 and 229 have been amended in the case of those municipalities to which the provisions of Municipal (Executive Officer) Act, 1931, apply, by items No. 19 and 20 of Schedule II, Punjab Act, II of 1931, *infra*.

²Substituted for the word "persons" by Punjab Act, III of 1933, section 86.

³Inserted by Punjab Act, III of 1933, section 86.

⁴Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

⁵Inserted by sections 65 and 66 of Punjab Act, II of 1923.

either generally in regard to all offences under this Act and the rules and bye-laws or particularly in regard only to specified offences or offences of a specified class, and may at any time be withdrawn by the committee.

¹[(5) If the committee has not authorized any of the officers specified in sub-section (1), it shall, if so required by the Commissioner, give such authorization to any of the officers specified in sub-section (7), and shall not withdraw authorization given on such requisition without the sanction of the Commissioner.]

230. No judge or magistrate shall be deemed to be a party to, or personally interested in, any prosecutions for an offence punishable under this Act or any rule or bye-laws, or under any other law, within the meaning of section 556 of the Code of Criminal Procedure, 1898, by reason only that he is a member of the committee by the order, or under the authority, of which it has been instituted.

CHAPTER XII.

CONTROL.

²[231. (1) The Commissioner or the Deputy Commissioner within their respective charges, or any official not below the rank of Extra Assistant Commissioner authorized in writing by the Commissioner in the case of municipalities of the first class or the Deputy Commissioner in the case of municipalities of the second class or any person empowered by the ³(Provincial Government) in this behalf by a general or special order, may—

- (a) enter on, inspect and survey, or cause to be entered on, inspected and surveyed, any immovable property occupied by any committee or joint committee, or any work in progress under its direction :
- (b) by order in writing addressed to the secretary call for and inspect or cause to be inspected any book or document in the possession or under the control of any committee or joint committee and the member or servant of the

¹Inserted by Punjab Act, III of 1933, section 57.

²Substituted by Punjab Act, III of 1933, section 58.

³Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

committee in possession of such book or document shall immediately place such book or document, at the disposal of the secretary, who shall immediately comply with such order and shall immediately inform the President of the requisition. He shall also bring the matter to the notice of the committee at its meeting next following ;

(c) by order in writing addressed to the secretary require any such committee or joint committee to furnish within a specified period such statements, accounts reports and copies of document relating to the proceedings or duties of the committee as he may think fit to call for ;

(d) inquire generally into the affairs of a committee or joint committee with a view to ascertaining whether a municipality is being satisfactorily administered, and for the purposes of such inquiry make use of any property of the committee, and of the powers mentioned in clauses (a), (b) and (c), and the members, officers, and servants of the committee shall render such assistance in the inquiry as may be deemed necessary.

Explanation.—Any person so empowered shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

(2) The Commissioner or the Deputy Commissioner may record in writing for the consideration of any such committee or joint committee any observations that he may think proper in regard to the proceedings or duties of the committee.

(3) Every committee shall submit such periodical reports to the Deputy Commissioner or other authority as the ¹[(Provincial Government) may direct.]

²[232. The Commissioner or Deputy Commissioner may, by order in writing, suspend the execution of any resolution or order of a committee, or joint committee or prohibit the doing of any Act which is about to be done, or is being

¹Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

²Substituted by Punjab Act, III of 1933, section 89.

done in pursuance of or under cover of this Act, or in pursuance of any sanction or permission granted by the committee in the exercise of its powers under the Act, if, in his opinion, the resolution, order or act is in excess of the powers conferred by law or contrary to the interests of the public or likely to cause waste or damage of municipal funds or property, or the execution of the resolution or order, or the doing of the act, is likely to lead to a breach of the peace, to encourage lawlessness or to cause injury or annoyance to the public or to any class or body of persons.]

233. (1) In case of emergency the Deputy Commissioner may provide for the execution of any work, or the doing of any act which a committee is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or of doing the act shall be forthwith paid by the committee. Extraordinary powers of Deputy Commissioner in case of emergency

(2) Should the expense be not so paid, the Deputy Commissioner may make an order directing the person having the custody of the balance of the municipal fund to pay the expenses, or so much thereof as may from time to time be possible, from that balance, in priority to all other charges against the same.

234. [(1) When the Commissioner, after due enquiry, is satisfied that a committee of the first class has made default in performing any duty imposed upon it by this Act, or by any order or rule under this Act, he may, by an order in writing, fix a period for the performance of that duty; and, should it not be performed within the period so fixed, he may appoint some person to perform it, and may direct that the expense thereof shall be paid within such time as he may fix by the committee.] Power to provide for performance of duties of committee in default

(2) Should the expense be not so paid, the Commissioner may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or so much thereof as may from time to time be possible from that balance, in priority to all other charges against the same.

(3) The Deputy Commissioner shall have the same powers with respect to committees of the second class as

are by this section conferred upon the Commissioner with respect to committees of the first class.

235. When the Deputy Commissioner makes any order under section 232, section 233 or section 234 he shall forthwith forward to the Commissioner, and, when the Commissioner makes any order under section 232 or section 234, he shall forthwith forward to the ¹[Provincial Government] a copy thereof, with a statement of the reasons for making it, and with such explanation, if any, as the committee may wish to offer ; and the Commissioner or the ¹[Provincial Government] as the case may be, may thereupon confirm, modify or rescind the order.

236. (1) The ¹[Provincial Government] and the Commissioners and Deputy Commissioners, acting under the orders of the ¹[Provincial Government], shall be bound to require that the proceedings of committees shall be in conformity with law and with the rules in force under any enactment for the time being applicable to the Punjab generally or the areas over which the committee have authority.

²[(2) The ¹(Provincial Government) may exercise all powers necessary for the performance of this duty, and may among other things, by order in writing, annul or modify any proceedings which it may consider not to be in conformity with law or with such rules as aforesaid, or for the reasons which would in its opinion justify an order by the Commissioner or Deputy Commissioner under section 232.]

(3) The Commissioner of the division and the Deputy Commissioner may, within their jurisdiction for the same purpose, exercise such powers as may be conferred upon them by rule made in this behalf by the ¹[Provincial Government].

³[**237.** Notwithstanding anything in this Act, the ¹(Provincial Government) shall have the power of reversing or modifying any order of any officer of the ¹(Provincial Government) passed or purporting to have been passed under this Act, if it considers it to be not in accordance with the said Act or the rules or to be for any reason inexpedient, and generally for carrying out the purposes of this Act the ¹[(Provincial Government) shall exercise over its officers and

¹Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

²Substituted by Punjab Act, III of 1933, section 91.

³Substituted by Punjab Act, III of 1933, section 92.

the Commissioner shall exercise over the Deputy Commissioner all powers of superintendence, direction and control.]

238. (1) Should a committee be incompetent to perform, or persistently make default in the performance of, the duties imposed on it by or under this or any other Act, or exceed or abuse its powers, the ¹[Provincial Government] may, ²by notification, in which the reasons for so doing shall be stated, declare the committee to be superseded :

Power of
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(2) When a committee is so superseded, the following consequences shall ensue :—

(a) all members of the committee shall, from the date of the notification, vacate their seats ;

(b) all powers and duties of the committee may, until the committee is reconstituted, be exercised and performed by such person as the ¹[Provincial Government] may appoint in that behalf ;

(c) all property vested in the committee shall, until the committee is reconstituted, vest in His Majesty ⁴[for the purposes of the Province.]

(3) The ¹[Provincial Government] may, if it shall think fit, at any time constitute another committee in the place of any committee superseded under this section.

239. (1) If any dispute, for the decision of which this Act does not otherwise provide, arises between two or more committees constituted under this Act, or between any such committee and a district board or cantonment authority, the matter shall be referred—

Deputy.

(a) to the Deputy Commissioner if the local authorities concerned are in the same district ;

(b) to the Commissioner or Commissioners of the division or divisions if the local authorities concerned are in different districts ; and

¹Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

²The words "with the previous approval of the Governor-General in Council," were repealed by the Devolution Act (India Act, XXXVIII of 1920).

³The proviso "Provided that in case of public emergency, such notification may be issued without the previous approval of the Governor-General in Council, but shall be forthwith reported to the Governor-General in Council and shall be subject to his orders" was repealed by the Devolution Act (India Act, XXXVIII of 1920).

⁴The words "for the purposes of the Province" were inserted by the Government of India (Adaptation of Indian Laws) Order, 1937.

(c) to the ¹[Provincial Government] if the local authorities concerned are in different divisions and the Commissioners of those divisions cannot agree.

(2) The decision of the authority to which any dispute is referred under this section shall be final.

²[Provided that where a dispute referred to the Provincial Government under clause (c) of sub-section (1) is between a committee and a cantonment authority, the decision of the Provincial Government shall be subject to the concurrence of the Central Government.]

(3) If, in the case mentioned in clause (a), the Deputy Commissioner is a member of one of the committees or boards concerned, his functions under the section shall be discharged by the Commissioner.

240. (1) The ¹[Provincial Government] may frame forms for any proceeding of a committee ³[and may make any rules consistent with this Act to carry out the purposes thereof and in particular and without prejudice to the generality of the foregoing power may make rules]—

(a) with respect to the powers and duties of committees in municipalities of the first and of the second class, respectively ;

(b) as to the division of municipalities into wards, or of the inhabitants into classes, or both ;

(c) as to the number of representatives proper for each ward or class ;

(d) as to the qualifications of electors and of candidates for election ;

(e) as to the registration of elector ;

(f) as to the nomination of candidates, the time of election and the mode of recording votes ;

⁴[(g) regulating the procedure for elections under this Act, the contribution towards election expenses by candidates, the deposit of security by candidates and the conditions of forfeiture of such deposits ;]

¹Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

²The proviso was inserted by the Government of India (Adaptation of Indian Laws) Order, 1937.

³Substituted for the words "for which it considers that a form should be provided, and may make rules consistent with this Act" by section 67 of Punjab Act, II of 1923.

⁴Substituted by Punjab Act, III of 1933, section 93 (1) (i).

- (h) fixing the term of office of members of committees ;
- (i) prescribing the qualifications requisite in the case of persons appointed by a committee to offices requiring professional skill ;
- (j) as to the priority to be given to the several duties of the committee ;
- (k) as to the authority on which money may be paid from the municipal fund, and as to the management and regulation of provident funds established under section 43 ;
- (l) as to the appointment, promotion, suspension, reduction, fining and dismissal of municipal watchmen ;
- (m) as to the formation and working of municipal fire-brigades ;
- ¹[(n) as to the procedure to be observed for the employment, punishment, suspension or removal of officers and servants of the committee and as to appeal from orders of punishment or removal ;]
- (o) as to the conditions on which property may be acquired by the committee or on which property vested in the committee may be transferred by sale, mortgage, lease, exchange or otherwise ;
- (p) as to the intermediate office or offices, if any, through which correspondence between committees or members of committees and the ²[Provincial Government] or officers of that Government shall pass ;
- ³(q) for the preparation of plans and estimates for works partly or wholly to be constructed at the expense of committees, and for the preparation and periodical revision of maps and registers made under sub-section (3) of section 56 and for the authorities by which

¹Substituted for the words "as to the procedure to be observed for the punishment or dismissal of servants of the committee, and as to appeals from orders of punishment or dismissal" by section 67 of Punjab Act, II of 1923.

²Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

³Substituted by Punjab Act, III of 1933, section 93 (1) (ii).

and the conditions, subject to which such plans, estimates, maps and registers are to be prepared and sanctioned ;]

- ¹[(qq) for the regulation of contracts with electric supply companies for the supply of electrical energy.]
- (r) for the assessment and collection of, and for the compounding for, refunding or limiting refunds or taxes imposed under this Act, and for preventing evasion of the same ; and for fixing the fees payable for notices of demands ;
- (s) as to the conditions on which a municipal committee may receive ²[animals or articles] into a bonded-warehouse and as to the agreements to be signed by traders or others wishing to deposit ²[animals or articles] therein ;
- (t) as to the accounts to be kept by committees as to the conditions on which such accounts are to be open to inspection by inhabitants paying any tax under this Act, as to the manner in which such accounts are to be audited and published, and as to the power of the auditors in respect of disallowance and surcharge ;
- (u) as to the preparation of estimates of income and expenditure of committees, and as to the persons by whom, and the conditions subject to which, such estimates may be sanctioned ;
- (v) as to the returns, statements and reports to be submitted by committees ;
- (w) as to the powers to be exercised by Commissioners and Deputy Commissioners under section 236 ³[and the powers to be exercised by such Local Self-Government Board or Inspectorate as the ⁴(Provincial Government) may establish] ;
- (x) as to the language in which business shall be transacted, proceedings recorded and notices issued ;

¹Inserted by Punjab Act, XV of 1926, section 9.

²Substituted for the word " goods " by section 67 of Punjab Act, II of 1923.

³Inserted by Punjab Act, I of 1934, section 16.

⁴Substituted for the words " Local Government " by the Government of India (Adaptation of Indian Laws) Order, 1937.

- (y) as to the publication of notices ;
 - (z) to regulate the proceedings of persons empowered to accept composition under section 229 for alleged offences ; and
 - (zz) generally for the guidance of committees and public officers in carrying out the purposes of this Act.
- ¹[(zzz) for the same purposes as those for which a committee may make bye-laws under the provisions of sections 31, 188, 189, 190 or 197 ;]

²[(2) Rules under clause (g) of sub-section (1) may among other matters provide—

- (i) for the definition of the practices at elections held under the provision of this Act which are to be deemed to be corrupt ;
- (ii) for the investigation of allegations of corrupt practices ;
- (iii) for making void the election of any person proved to the satisfaction of the ³(Provincial Government) in the case of a municipality of the first class, or of the Commissioner in the case of a municipality of the second class, to have been guilty of a corrupt practice or to have connived at or abetted the commission of a corrupt practice or whose agent has been so proved guilty ; or the result of whose election has been materially affected by the breach of any law or rule for the time being in force ;
- (iv) for rendering incapable of municipal office either permanently or for a term of years any person who may have been proved guilty as aforesaid of a corrupt practice or of conniving at or abetting the same ;
- (v) for prescribing the authority by which questions relating to the matters referred to in clauses (d), (e) and (f) of sub-section (1) shall be determined ; and

¹Inserted by Punjab Act, III of 1933, section 93 (1) (iii).

²Substituted by Punjab Act, I of 1925, section 7(i).

³Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

(vi) for authorizing courts to take cognizance of the breach of any such rules on the complaint of the Deputy Commissioner or some person authorized in writing by the Deputy Commissioner.]

(3) The Municipal Account Code at present in operation in the municipalities of the Province shall be deemed to have been made in pursuance of the powers conferred upon Government by sub-section (I) of this section.

(4) In making rules under clauses (d) to (g), both inclusive, and clauses (m) and (r) of sub-section (I), the ¹[Provincial Government] may direct that a breach of any provision hereof shall be punished with fine which may extend to ²[five hundred] rupees.

(5) All rules made under this Act shall be subject to previous publication.

(6) A rule under this section may be general for all municipalities or for all municipalities not expressly excepted from its operation or may be special for the whole or any part of any one or more municipalities as the ¹[Provincial Government] directs.

³[(7) Notwithstanding anything hereinbefore contained the ¹(Provincial Government) shall not make rules under clause (zzz) of sub-section (I) for a municipality unless the committee has been required by the ¹(Provincial Government) to make bye-laws under section 31, section 188, section 189, section 190 or section 197 and has failed to make any such bye-laws, or having made them has failed to obtain their confirmation by the ¹(Provincial Government) as required by sub-section (I) of section 201 within *nine months* of the date of the order of the ¹(Provincial Government) requiring them to be made, and any rules made by the ¹(Provincial Government) under clause (zzz) of sub-section (I) shall have effect as if they were, and shall be deemed for all purposes to be, bye-laws made by the committee.]

⁴[240-A.

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¹Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

²Substituted by Punjab Act, I of 1925, section 7 (ii) for the words "clause (r)" and the word "fifty", respectively.

³Inserted by Punjab Act, III of 1933, section 93 (2).

⁴Section 240-A was omitted by Punjab Act, III of 1933, section 94.

CHAPTER XIII.

NOTIFIED AREA.

241. (1) The ¹[Provincial Government] may, by notification, declare that with respect to some or all of the matters upon which a municipal fund may be expended under section 52, improved arrangements are required within a specified area, which, nevertheless, it is not expedient to constitute as a municipality.

(2) An area in regard to which a notification has been issued under sub-section (1) is hereinafter called a notified area.

(3) No area shall be made a notified area if it contains more than ten thousand inhabitants according to the returns of the most recent official census, or unless it contains a town or bazar and is not a purely agricultural village.

242. (1) The ¹[Provincial Government] may—

- (a) impose in any notified area ²[* * * *] any tax which could be imposed there by the committee ³[under the provisions of section 61 ⁴[* * * *]] if the notified area were a municipality :

Provided that any tax imposed on buildings and land shall not be subject to the maximum limits prescribed by ⁵[sub-clause (a) of clause (1) of section 61 :]

Provided also that a tax payable by the owner may be made payable by the occupier ;

- (b) apply or adapt to the notified area for the assessment and recovery of any tax imposed under clause (a) any of the provisions of this Act, or of any rules for the time being in force, with respect to the assessment and recovery of any tax imposed under this Act ;

¹Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

²The words "without the previous sanction of the Governor-General in Council" inserted by Punjab Act, I of 1923, were omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.

³Inserted by Punjab Act, I of 1923, section 9.

⁴The words "whether with or without such sanction" were omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.

⁵Substituted for the figures, letters and brackets "61-B(a)" by section 68 of Punjab Act, II of 1923.

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- (c) arrange for the due expenditure of the proceeds of taxes imposed under clause (a) and for the preparation and maintenance of proper accounts ;
- (d) appoint a committee of one or more persons for the purposes of clauses (b) and (c) ;
- (e) appoint a president of such committee, and fix the term of office of member or president of the committee ;
- (f) extend to any notified area the provisions of any section of this Act subject to such restrictions and modifications, if any, as the ¹[Provincial Government] may think fit.

(2) The proceeds of any tax levied in any notified area under this section shall be expended only in some manner in which the municipal fund of such notified area might be expended if the notified area were a municipality.

243. For the purposes of any section of this Act which may be extended to a notified area the committee appointed for such area under section 242 shall be deemed to be a municipal committee under this Act and the area to be a municipality.

244. The ¹[Provincial Government] may at any time cancel or modify any notification under section ²[241] or any order under section 242.

245. ³[Save as provided in sub-section 7 (a) of section 4 of this Act], when by reason of any order of cancellation under the last foregoing section any notified area ceases to be notified, the unexpended proceeds of any taxes levied therein under section 242 shall be applied as the ¹[Provincial Government] may think fit.

⁴CHAPTER XIV.

MUNICIPAL ELECTION INQUIRIES.

246. In this Chapter unless there is anything repugnant in the subject or context—

- (a) “ Commission ” means a person or persons appointed by the [Provincial Government] to hold

¹Substituted for the words “ Local Government ” by the Government of India- (Adaptation of Indian Laws) Order, 1937.

²Substituted for the figures “ 240 ” by Punjab Act, I of 1925, section 10.

³Prefixed by Punjab Act, I of 1925, section 11.

⁴Chapter XIV was added by Punjab Act, III of 1933, section 95.

an inquiry in respect of an election under this Act.

- (b) "Costs" means all costs, charges and expenses of or incidental to an inquiry.
- (c) "Election" means any election held under the provisions of this Act or of any rules made thereunder.
- (d) "inquiry" means an inquiry in respect of an election by the Commission.
- (e) "Pleader" means any person entitled to appear and plead for another in a Civil Court, and includes an advocate, a vakil, and an attorney of a High Court.

247. The [Provincial Government] may appoint a Commission consisting of one or more persons to hold an inquiry.

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248. In respect of the following matters a Commission shall have the powers which are vested in a Court under the Code of Civil Procedure, 1908, when trying a suit :—

- (a) discovery and inspection,
- (b) enforcing the attendance of witnesses, and requiring the deposit of their expenses,
- (c) compelling the production of documents,
- (d) examining witnesses on oath,
- (e) granting adjournments,
- (f) reception of evidence taken on affidavit, and
- (g) issuing commissions for the examination of witnesses ;

and may summon and examine *suo motu* any person whose evidence appears to be material; and shall be deemed to be a Civil Court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898.

249. The provisions of the Indian Evidence Act, 1872, shall, subject to the provisions of this Chapter, be deemed to apply in all respects to an inquiry.

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250. Notwithstanding anything in any enactment to the contrary, no document shall be inadmissible in evidence on the ground that it is not duly stamped or registered.

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¹Substituted for the words "Local Government" by the Government of India Adaptation of Indian Laws) Order, 1937.

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251. (1) No witness shall be excused from answering any question relating to any matter relevant to a matter in issue in an inquiry upon the ground that the answer to such question will incriminate or may tend, directly or indirectly, to incriminate him, or that it will expose, or tend, directly or indirectly, to expose him to a penalty or forfeiture of any kind :

Provided that—

- (2) no person who has voted at an election shall be required to state for whom he has voted ;
and
- (ii) a witness who, in the opinion of the Commission, has answered truly all questions which he has been required by the said Commission to answer shall be entitled to receive a certificate of indemnity and such certificate may be pleaded by such person in any Court and shall be deemed to be a full and complete defence to or upon any charge under Chapter IX-A of the Indian Penal Code arising out of the matter to which such certificate relates, nor shall any such answer be admissible in evidence against him in any suit or other proceeding.

(2) Nothing in sub-section (1) shall be deemed to relieve a person receiving a certificate of indemnity from any disqualification in connection with an election imposed by any law or any rule having the force of law.

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252. Any appearance, application or act before the Commission may be made or done by the party in person or by a pleader duly appointed to act on his behalf :

Provided that any such appearance shall, if the Commission so directs, be made by the party in person.

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253. The reasonable expenses incurred by any person in attending to give evidence may be allowed by the Commission to such person, and shall, unless the Commission otherwise directs, be deemed to be part of the cost.

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254. At the conclusion of the inquiry the Commission shall submit a report of its findings to the ¹[Provincial Government], if the inquiry concerns an election held in a municipality of the first class, and to the Commissioner in any other

¹Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

case, and such report shall include the opinion of the Commission on the amount of costs, including counsel's fees as the Commission may deem fit, to be paid, and the persons by whom and to whom such costs shall be paid.

255. On receiving the report of the Commission the ¹[Provincial Government] in the case of an election held in a municipality of the first class, and the Commissioner in any other case, shall pass orders either declaring the candidate duly elected or declaring the election to be void, and such orders shall be notified in the ²[Official Gazette]. Such orders shall be final and shall specify the amount of costs to be paid, and the person or persons by whom and to whom such costs shall be paid :

Provided that the Commissioner or the ¹[Provincial Government] before passing final orders may remand any case for further inquiry or refer any point arising in any case to a Civil Court for opinion : and the Civil Court shall deal with any case forwarded to it as nearly as may be according to the procedure applicable under the Code of Civil Procedure, 1908, to the hearing of appeals.

256. A certified copy of any order passed by the ¹[Provincial Government] or by the Commissioner under section 255 regarding the cost of the inquiry may be produced before the principal Civil Court of original jurisdiction within the local limits of whose jurisdiction any person directed by such order to pay any sum of money has a place of residence or business, and such Court shall execute such order or cause it to be executed in the same manner and by the same procedure as if it were a decree for the payment of money made by itself in a suit.

257. (1) Every Officer, clerk, agent or other person who performs any duties in connection with the recording or counting of votes at an election shall maintain and aid in maintaining the secrecy of the voting and shall not (except for some purpose authorized by or under any law) communicate to any person any information calculated to violate such secrecy.

(2) Any person who wilfully acts in contravention of the provisions of this section shall be punished with imprisonment of either description for a term not exceeding three months, or with fine, or with both.

¹Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

²Substituted for the word "Gazette" by the Government of India (Adaptation of Indian Laws) Order, 1937.

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258. The ¹[Provincial Government] may make rules consistent with this Act, to carry out the purposes of this chapter, and all such rules shall be subject to previous publication.

SCHEDULE.

Vide section 2 (1).

Enactments repealed.

1	2	3	4
Year.	No.	Subject or short title.	Extent of repeal.
		<i>Acts of the Governor-General in Council.</i>	
1891	XX	The Punjab Municipal Act ..	The whole Act.
1896	XVIII	The Punjab Municipal Amendment Act.	The whole Act.
		<i>Acts of the Lieutenant-Governor of the Punjab.</i>	
1900	III	The Punjab Municipal Act Amendment Act.	The whole Act.
1935	I	Act to amend certain sections of the Punjab District Boards Act, 1883, and the Punjab Municipal Act of 1891.	Sections 3 and 4.

